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Question of enforced or involuntary disappearances

Report of the Working Group on Enforced or Involuntary Disappearances

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Executive summary

The present report of the Working Group continues to highlight further developments in two basic features of the situation of enforced or involuntary disappearance in the world.

The first relates to the practice of disappearance, which continues to occur in a number of countries. During 2001, the Working Group* transmitted 243 new cases of disappearance that occurred in 25 countries; 50 of these occurred in 2001. As at the last day of its sixty-fifth session, on 21 November 2001, the Working Group had 41,859 outstanding cases on its registers. During 2001, the Working Group transmitted 58 cases under its urgent action procedure to the Governments of 15 countries. The highest number of cases of enforced or involuntary disappearance in 2001 allegedly occurred in Colombia (12) and Cameroon (9).

There has been a decline in the number of disappearances reported to the Working Group over the past few years, which it considers to be a positive sign. Between 1997 and 2001, the number of new cases of disappearance transmitted by the Working Group declined to 243 in 2001 as compared with 1,111 in 1997, 1,015 in 1998, 300 in 1999 and 487 in 2000. The number of cases that occurred in the period under review also declined, to 50 in 2001 from 180 in 1997, 240 in 1998, 115 in 1999, and 120 in 2000.

The second basic feature concerning the question of enforced disappearance relates to the process of clarification of cases, especially those that were transmitted more than 10 years ago. During 2001, the Working Group clarified a total of 4,419 cases of enforced disappearance, which is the largest number that it has clarified in its first 20 years of existence. The vast majority of clarifications (4,390) relates to cases in Sri Lanka, which is also the country with the second highest number of disappearances on the Working Group's list. The process that led to these clarifications was initiated by the Working Group during its three field missions in the 1990s, and constitutes a concerted effort by the Government of Sri Lanka, the families and relatives of the disappeared persons, a consortium of non-governmental organizations and the Working Group. The example of Sri Lanka reflects a new approach adopted by the Working Group to invite Governments with large numbers of unresolved cases, partly dating back to the 1970s, to consider ways and means, in cooperation with the families and civil society, to provide justice to the victims and to clarify those cases. In the past, the Working Group had reported on

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* Since its creation in 1980, the Working Group has submitted a report annually to the Commission on Human Rights, starting at the Commission's thirty-seventh session. The document symbols of the previous 21 reports are as follows: E/CN.4/1435 and Add.1; E/CN.4/1492 and Add.1; E/CN.4/1983/14; E/CN.4/1984/21 and Add.1 and 2; E/CN.4/1985/15 and Add.1; E/CN.4/1986/18 and Add.1; E/CN.4/1987/15 and Add.1 and Corr.1; E/CN.4/1988/19 and Add.1; E/CN.4/1989/18 and Add.1; E/CN.4/1990/13; E/CN.4/1991/20 and Add.1; E/CN.4/1992/18 and Add.1; E/CN.4/1993/25 and Add.1; E/CN.4/1994/26 and Add.1 and Corr.1 and 2; E/CN.4/1995/36; E/CN.4/1996/38; E/CN.4/1997/34; E/CN.4/1998/43; E/CN.4/1999/62 and Add.1 and 2; E/CN.4/2000/64 and Corr.1 and 2 and Add.1; and E/CN.4/2001/68. The relevant resolution of the Commission adopted at its fifty-seventh session is resolution 2001/46.

positive examples of cooperation with Governments, such as those of Brazil and Mexico, and, in the present report, the Working Group invites other Governments, particularly those of countries with a high number of outstanding cases, to follow those examples.

The Working Group expresses concern that the vast majority of cases that occurred over 10 years ago and which it has been able to clarify involved persons who were presumed dead; clarification of cases on the ground that the disappeared persons were released or found alive would have been more satisfactory. Unfortunately, of the total number of 7,921 cases that the Working Group considers as clarified since the beginning of its activities in 1980, only 2,398 persons were still alive, which is a very small number when compared with the total of 41,859 outstanding cases on its files. The Group, therefore, reiterates its appeal to all Governments concerned to cooperate with it and, in particular, to refrain from incommunicado detention and to release immediately all person held in secret detention.

In spite of the decrease in the number of disappearances reported to the Working Group and the cooperation received by the Working Group from many Governments, the Working Group remains concerned that the attitude of most Governments towards investigating and clarifying outstanding cases has not improved. Of the 74 countries with outstanding cases in 2001, the Working Group has never received any replies to its requests for information from the Governments of Burkina Faso, Burundi, Cambodia, the Congo, Denmark, Equatorial Guinea, Guinea, Israel, Jordan, Mozambique, Namibia, Rwanda, Seychelles, Tajikistan and Togo. The Palestinian Authority has also never replied to the Working Group.

The Working Group reiterates that its ultimate goal is the eradication of the phenomenon of enforced or involuntary disappearance through the adoption of appropriate preventive measures as provided for in the Declaration on the Protection of All Persons from Enforced Disappearance of 1992, the Inter-American Convention on Forced Disappearance of Persons of 1994 and the draft international convention for the protection of all persons from forced disappearance. Since impunity is a major reason for the practice of disappearances, it is of utmost importance that the perpetrators be brought to justice, either by domestic courts or, where disappearances are committed as part of a widespread or systematic attack against any civilian population, by international tribunals. Since enforced disappearance mostly occurs in isolation and not necessarily as part of a systematic attack aimed at removing the victim from the protection of the law for a prolonged period of time (an element required in the international crime of enforced disappearance), efforts have to be increased to include enforced disappearance in all domestic criminal codes with appropriate punishments and to bring the perpetrators to justice before domestic courts. Hence, the Working Group reiterates its appreciation to the Sub-Commission on the Promotion and Protection of Human Rights for its efforts in preparing a draft convention on disappearance and recommends to the Commission to finalize, without further delay, the process of drafting "a legally binding normative instrument for the protection of all persons from enforced disappearance", as decided in its resolution 2001/46 (para. 12).

The Working Group points out that, in the past two years, it had complied with the request of the General Assembly to reduce the length of its reports to the 32-page limit, but only by drastically reducing its contents. As a result, its two previous reports no longer properly reflected the country-specific activities of the Working Group in respect of thousands of cases and the situation of enforced disappearance in over 70 countries. The Working Group has,

therefore, decided to return to the earlier format consisting of short sections on the situation of disappearance in countries with outstanding cases, country-specific observations on those with over 100 cases of disappearance or a high number of recent cases, and relevant annexes containing statistical data and graphs.

The Working Group expresses, once again, its sincere appreciation to the secretariat for its dedication in the pursuance of the difficult tasks it has to undertake. The Working Group is gravely concerned about its inability, with the present limited financial resources and acute shortage of staff, to carry out the mandate assigned to it by the Commission and to fulfil its obligations. Over the last years, the number of its secretariat staff has been dramatically reduced from nine Professional and four General Service staff members to two Professionals, one of them working only half-time, and two part-time General Service staff members. The Working Group avails itself of this opportunity to reiterate its appeal to the Commission to meet the needs of the secretariat by allocating the appropriate resources.

Introduction

1. The present report of the Working Group on Enforced or Involuntary Disappearances is submitted pursuant to Commission on Human Rights resolution 2001/46, entitled "Question of enforced disappearances". In addition to the specific tasks entrusted to the Working Group by the Commission in this resolution, the Group has also taken into account other mandates stemming from a number of resolutions adopted by the Commission, entrusted to all special rapporteurs and working groups, all of which have been given due attention and consideration by the Working Group in the course of 2001. In view of the page limit imposed on all reports, however, the Working Group decided not to reproduce the content of these resolutions as it has done in the past.

2. In addition to its original mandate, which is to act as a channel of communication between families of the disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and the whereabouts of the disappeared persons clarified, the Working Group has been entrusted by the Commission with various other tasks. In particular, the Working Group is to monitor States' compliance with their obligations deriving from the Declaration on the Protection of All Persons from Enforced Disappearance (hereafter referred to as the "Declaration").

3. The total number of cases transmitted by the Working Group to Governments since the Group's inception stands at 49,802. The total number of cases being kept under active consideration, as they have not yet been clarified or discontinued, now stands at 41,859. The number of countries with outstanding cases of alleged disappearance was 74 in 2001. During the period under review, the Working Group transmitted 243 new cases of disappearance in 25 countries, 50 of which allegedly occurred in 2001.

4. As in previous years, the Working Group has continued to apply the urgent action procedure in cases that allegedly occurred within three months preceding the receipt of the report by the Group. This year the Working Group sent urgent action appeals in respect of 58 cases to the following Governments: Burundi, Cameroon, China, Colombia, Denmark, Ecuador, Mexico, Nepal, Pakistan, Philippines, Russian Federation, Sri Lanka, Sudan and Turkey. An urgent action appeal was also sent to the Palestine Authority.

5. As in the past, the present report reflects only communications or cases examined before the last day of the third annual session of the Working Group, which was 21 November 2001. Urgent action cases, which may have to be dealt with between that date and the end of the year, as well as communications received from Governments and processed after 21 November 2001, will be reflected in the Working Group's next report.

6. During the last few years the Working Group has faced very serious shortages in the staff servicing its mandate, rendering it almost impossible for the Group to complete all its tasks in an adequate manner. Therefore, the Working Group again expresses serious concern about its ability, with the present limited financial and human resources, to carry out in the future the various tasks assigned to it by the Commission on Human Rights. The Working Group again expresses its deep appreciation for the work of its staff, which was carried out in spite of the difficulties referred to above.

I. ACTIVITIES OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES IN 2001

A. Meetings and missions of the Working Group

7. The Working Group held three sessions in 2001. The sixty-third session was held in New York from 30 April to 4 May, and the sixty-fourth and sixty-fifth sessions were held at Geneva from 13 to 17 August and from 14 to 21 November, respectively.

8. On 30 April 2001, at its sixty-third session, the Working Group decided to elect Diego García Sayán (Peru) as its Chairman-Rapporteur. The Working Group continues to apply Commission on Human Rights decision 2000/109, adopted on 26 April 2000, on enhancing the effectiveness of the mechanisms of the Commission, that a turnover of its membership be accomplished in incremental steps over a three-year transition period. In accordance with this decision, Agha Hilaly (Pakistan) and Jonas Foli (Ghana) resigned in 2000, and were replaced by Anuar Zainal Abidin (Malaysia) and M'Bayo Adekanye (Nigeria). Manfred Nowak (Austria) will be resigning by the end of 2001.

9. During its 2001 sessions, the Working Group met with representatives of the Governments of Egypt, Kuwait, Lebanon and the Sudan. The Group also met with representatives of human rights organizations, associations of relatives of missing persons and families or witnesses directly concerned with reports of enforced disappearance.

10. On 26 September 2001, the Government of Colombia reiterated its invitation of 30 March 1995 to the Working Group to visit the country. The Working Group accepted the invitation and a mutually convenient date is being sought.

11. By letter dated 19 November 1997, the Government of the Islamic Republic of Iran invited the Working Group to visit that country. The Working Group accepted the invitation, but a mutually acceptable date has, unfortunately, not yet been found.

12. The Government of Algeria has not yet responded to the interest expressed by the Working Group, in August 2000 to visit the country. To date the Working Group has received no reply from the Government of Iraq to its letter dated 21 July 1995 requesting a visit.

B. Communications

13. During the period under review, the Working Group transmitted 243 new cases of enforced or involuntary disappearance to the Governments of Algeria, Burundi, Cameroon, China, Colombia, Denmark, Ecuador, Honduras, India, Jordan, the Lao People's Democratic Republic, Lebanon, Mexico, Morocco, Nepal, Pakistan, the Philippines, the Russian Federation, Saudi Arabia, Sri Lanka, the Sudan, Thailand, Turkey and Uzbekistan. It also transmitted one case to the Palestinian Authority.

14. Fifty-eight of these cases were sent by the Working Group under the urgent action procedure to the Governments of Burundi, Cameroon, China, Colombia, Denmark, Ecuador, Mexico, Nepal, Pakistan, the Philippines, the Russian Federation, Sri Lanka, the Sudan and

Turkey. An urgent action appeal was also sent to the Palestine Authority. Of the newly reported cases, 50 allegedly occurred in 2001, and relate to Burundi, Cameroon, China, Colombia, Denmark, Ecuador, India, Mexico, Nepal, Pakistan, the Philippines, the Russian Federation, Sri Lanka, Sudan, Turkey and the Palestinian Authority. During the same period, the Working Group clarified 4,419 cases in the following countries: Angola, Burundi, Cameroon Denmark, India, Indonesia, Mexico, Nepal and Sri Lanka.

15. During the period under review, the Working Group received reports of 12 cases of alleged disappearance, which reportedly occurred between 1977 and 1980, in Japan, the United Kingdom of Great Britain and Northern Ireland, the Republic of Korea and on the high seas between northern and southern Korea. In all cases, it was alleged that "north Korean secret agents" were responsible. Although the Working Group had its doubts about the admissibility of these cases, it decided to inform the concerned Governments. After giving careful consideration to their replies, the Working Group decided that there was insufficient information to pursue their consideration any further and decided not to include the cases in its files.

16. During the same period, the Working Group received 29 cases of persons who allegedly disappeared between 1939 and 1944 from what is now territory of the Democratic People's Republic of Korea after they were forcibly drafted by the Japanese army during Japan's occupation of Korea. The Working Group, after having carefully considered the argument put forward by the non-governmental organization submitting the cases, decided that they did not fall within its mandate, since they occurred in the context of an international armed conflict.

17. As in previous years, the Working Group received reports and expressions of concern from non-governmental organizations, associations of relatives of disappeared persons and from individuals about the safety of persons actively engaged in the search for missing persons, in reporting cases of disappearance or in the investigation of cases. In some countries, the mere fact of reporting a disappearance entailed a serious risk to the life or security of the person making the report or to his or her family members. In addition, individuals, relatives of missing persons and members of human rights organizations were frequently harassed and threatened with death for reporting cases of human rights violations or investigating such cases.

18. The Working Group continues to address itself to the ever-increasing number of United Nations field operations with human rights components and field offices of the Office of the High Commissioner for Human Rights, (OHCHR) in an effort to take advantage of their unique position on the ground in order to improve its information flow with regard to disappearances.

C. Methods of work

19. During the course of the year, the Working Group completed a long process of reviewing its methods of work, during the course of which it held a number of meetings with non-governmental organizations. The methods of work, as revised on 14 November 2001, is contained in annex I to the present report.

D. Implementation of the Declaration on the Protection of All Persons from Enforced Disappearance of 1992

20. The Working Group has continued to remind Governments of their obligations under the Declaration on the Protection of All Persons from Enforced Disappearance. These are relevant not only for the clarification of individual cases, but also in taking action of a more general nature so as to prevent the occurrence of enforced disappearance.

21. The Working Group congratulates those countries that have taken steps to set legal or judicial standards aimed at bringing to trial alleged perpetrators of disappearance before ordinary (not military) courts and to exempt the criminal offence of acts of enforced disappearance from statutes of limitations, special amnesty laws and similar measures leading to impunity. Impunity is one of the root causes of enforced disappearance and, at the same time, one of the major obstacles to clarifying past cases. Hence, the Declaration obliges States to make all acts of enforced disappearance offences under domestic criminal law, to promptly, thoroughly and impartially investigate any allegation of enforced disappearance and to bring the perpetrators to justice. In addition, article 18 explicitly states that perpetrators of enforced disappearance shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction. The Working Group has continuously recommended to Governments that they comply with their obligations under the Declaration not to impede investigations by enacting amnesty laws and to stop the vicious cycle of impunity.

22. The Working Group also sees as a positive step the creation, in some countries, of mechanisms to provide for adequate compensation to victims or, in the event of death, to their dependants (article 19 of the Declaration). Monetary compensation to victims and/or their families is, however, only one possibility of providing redress. The right to obtain redress for acts of enforced disappearance includes other forms of redress, such as medical, psychological, legal and social rehabilitation; restoration of personal liberty, employment and property; and other forms of restitution, satisfaction and reparation, which may remove the consequences of the enforced disappearance.

23. The Working Group continues to draw the attention of Governments to the relevant provisions of the Declaration. It emphasizes that the full implementation of the Declaration is crucial for the prevention and the termination of this human rights violation.

E. Comments on the draft international convention on the protection of all persons from enforced disappearance

24. In its last annual report (E/CN.4/2001/68, annex III), the Working Group welcomed the efforts of the Sub-Commission on the Promotion and Protection of Human Rights in preparing a draft international convention on the protection of all persons from enforced disappearance (E/CN.4/Sub.2/1998/19, annex), and published detailed comments on this draft.

25. On 23 April 2001, the Commission on Human Rights, in its resolution 2001/46, decided to establish an intersessional working group to draft a legally binding normative instrument and to appoint an independent expert "to examine the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance,

taking into account relevant legal instruments at the international and regional levels, intergovernmental arrangements on judicial cooperation, the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/Sub.2/1998/19, annex) transmitted by the Sub-Commission in its resolution 1998/25 of 26 August 1998, and also comments of States and intergovernmental and non-governmental organizations, with a view to identifying any gaps in order to ensure full protection from enforced or involuntary disappearance and to report to the Commission on Human Rights at its fifty-eighth session and to the working group established under paragraph 12 at its first session".

26. The Working Group is very pleased that the Chairman of the Commission on Human Rights has appointed one of its members, Manfred Nowak, as independent expert to submit an analytical report on the international law on enforced disappearance to both the Commission on Human Rights and its future intersessional working group. In this way, the Working Group is in a position to make its expertise available to this important drafting process.

II. INFORMATION CONCERNING ENFORCED OR INVOLUNTARY DISAPPEARANCES IN VARIOUS COUNTRIES, THE PALESTINIAN AUTHORITY AND THE UNITED NATIONS TRANSITIONAL ADMINISTRATION IN EAST TIMOR REVIEWED BY THE WORKING GROUP

Afghanistan

27. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Afghanistan.

28. The two reported cases of disappearance concern a Jordanian journalist who allegedly disappeared in 1989 in Jalalabad, Nangarhar Province, while on assignment and an American citizen of Afghan origin who allegedly disappeared in 1993 when he was on a visit to Afghanistan. Although the Working Group is aware that many more cases of disappearance could have occurred in Afghanistan, individual cases have not been brought to its attention to allow it, in accordance with its methods of work, to take action.

29. Several reported cases of disappearance involving Afghan nationals allegedly occurred in Pakistan in 1986 and between 1989 and 1991, most of whom were said to have been affiliated with the "Harakate Inghilabe Islami" party of Afghanistan. The abductions reportedly took place in Peshawar, North West Frontier Province, by persons belonging to a rival party, the "Hezb-e-Islami Afghanistan", which was alleged to be acting with the acquiescence of the Paskistani authorities.

30. During the period under review, no new information was received from the Government with regard to the two outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Algeria

31. During the period under review, the Working Group transmitted 46 new cases of disappearance to the Government of Algeria, none of which occurred in 2001.

32. The majority of the 1,133 reported cases of disappearance occurred between 1993 and 1997. The security forces were allegedly responsible for most of the arrests and subsequent disappearance, which reportedly occurred throughout the country. Most of the victims had no particular political activity. However, a number of the disappeared persons are reported to have been members or sympathizers of the Islamic Salvation Front (FIS). The victims came from a variety of professions and included workers, peasants, farmers, employees, traders, technicians, students, medical doctors, journalists, university professors and civil servants.

33. The newly reported cases, which occurred between 1993 and 1997 in various towns and villages throughout the country, although mainly in the capital and Relizane, included persons from various professional backgrounds, including workers, peasants, students, persons involved in humanitarian or religious activities, militants or sympathizers of the FIS party, a member of parliament and a political editor who, in December 1990, created *El Nour*, a newspaper in Constantine. Many were from the public sector or the State administration, including teachers, doctors, or employees of the judiciary. Most of the disappearances are said to have occurred following arrest at home or at work. The forces allegedly responsible for these disappearances include the security forces, the police and civil defence forces.

34. In the past, the Working Group clarified 13 cases, of which 7 were clarified on the basis of information provided by the Government and 6 others on the basis of information provided by the source. During the period under review, the Government of Algeria provided information on 188 outstanding cases. In two cases, the persons concerned had been arrested by the security forces and subsequently released, and the Working Group decided to apply the six-month rule to these cases. In another case, the person concerned was reported to be at home. For 47 of them, the Government stated that investigations had been carried out, but that the persons had not been found, and in another 79 cases, the Government reported that investigations are still continuing. In 9 cases the persons concerned were being sought by the authorities and in 22 cases, the Government reported that the persons concerned were wanted by the security forces for criminal activities. With regard to five cases, the Government stated that the persons had been killed during armed confrontations with the security forces, and the Working Group asked to be informed of their place of burial. In one case, the person concerned was said to have been killed by an armed group, and in another, the person was reported to have been abducted by an armed group. For 21 cases, the Government stated that the persons had not been taken in for questioning.

35. In respect of the 1,120 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Observations

36. The Working Group expresses its thanks to the Government of Algeria for the information that it has submitted during this year. The Group wishes to remind the Government of its obligation under article 13 of the Declaration to continue to conduct investigations for as long as the fate and whereabouts of the victims of enforced disappearance remain unclarified.

37. The Working Group reiterates to the Government its obligation under the Declaration to prevent and to terminate all acts of enforced disappearance.

Angola

38. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Angola.

39. The four cases reported to the Working Group concern persons who were allegedly arrested in 1977 by the Angolan security forces, in particular by the Information and Security Directorate (DISA). Two of them were allegedly arrested because they were suspected of supporting the National Union for the Total Independence of Angola (UNITA).

40. During the period under review, the Working Group clarified three outstanding cases on the basis of information previously submitted by the Government on which no objection was received from the source; in all cases, certificates of presumption of death were issued after judicial procedures before the competent authorities and the death certificates were submitted.

41. During the same period, the Government of Angola provided information on the one outstanding case and submitted a certificate of presumption of death issued after judicial procedures before the competent authorities. The Working Group decided to apply the six-month rule to this case.

Argentina

42. During the period under review, no new cases were transmitted by the Working Group to the Government of Argentina. In accordance with its methods of work, the Working Group sent to the Government of Uruguay a case concerning the disappearance of a 20-day-old child of an Uruguayan refugee that reportedly occurred in Argentina in 1976. The child was allegedly taken away from the mother when she was arrested during a joint operation by the Argentine and Uruguayan police forces. Members of the Uruguayan police who had allegedly participated in the joint operation are said to be still living at liberty in Uruguay.

43. The vast majority of the 3,455 reported cases of disappearance in Argentina occurred between 1975 and 1978 under the military Government, in the context of its campaign against left-wing guerrillas and their sympathizers. Two cases occurred in 2000 and concern persons arrested in the city of Mendoza by members of the local Police Investigation Office (Dirección de Investigaciones de la Policía).

44. During the period under review, the Government provided detailed information on the activities of the various mechanisms established to determine the whereabouts of disappeared persons in Argentina: the National Commission on Disappearances (CONADEP); proceedings known as *Juicios de la Verdad* (Truth Trials) that are aimed at upholding the right to truth of the victims' relatives; the Office of the Under-Secretary for Human Rights; and the National Commission on the Right to Identity (CONADI) whose task it is to investigate the whereabouts of disappeared children and of those born during the mother's captivity. The Government pointed out that the number of cases transmitted by the Working Group was significantly smaller than those contained in its own register, but said that it would provide substantive information on each case after careful study and cross-checking with the cases on its own files.

45. In the past, the Working Group clarified 78 cases of which 43 were clarified on the basis of information provided by the Government and 35 others on the basis of information provided by the source. In respect of the 3,377 outstanding cases, the Working Group is, unable to report on the fate and whereabouts of the persons concerned.

Observations

46. The Working Group understands the difficulties involved in gathering the information necessary to determine the whereabouts of victims of enforced disappearance that occurred more than 20 years ago, but the over 3,000 outstanding cases which are still unelucidated remain a matter of serious concern. The Group wishes to remind the Government of its obligation under article 13 of the Declaration to continue to conduct investigations for as long as the fate and whereabouts of the victims of enforced disappearance remain un-clarified.

47. The Working Group expresses the hope that the Government and the relatives will take steps to clarify the outstanding cases and, if applicable, implement the provisions of article 19 of the Declaration, which entitles the victims and relatives to compensation.

Bangladesh

48. During the period under review, no new cases of disappearance were transmitted to the Government of Bangladesh.

49. The one case reported to the Working Group, which reportedly occurred in 1996, concerns the organizing secretary of the Hill Women's Federation (an organization that reportedly campaigns for the rights of the indigenous people in the Chittagong Hill Tracts), who is said to have been forcibly taken from her home in the Chittagong Hill Tracts by security personnel before the general elections of 12 June 1996. It is believed that her abduction may have been linked to her support of a parliamentary candidate representing the interests of indigenous people.

50. During the period under review, no information was received from the Government with regard to this case. The Working Group is, therefore, unable to report on the fate and whereabouts of the person concerned.

Belarus

51. During the period under review, no new cases of disappearance were transmitted to the Government of Belarus.

52. The three cases reported to the Working Group occurred in 1999 and concern a former member of the Supreme Soviet and member of an opposition political party who was reportedly abducted together with a former Minister for Internal Affairs who had been actively involved in the presidential campaign of an opposition leader.

53. During the period under review, the Government of Belarus replied in respect of these three outstanding cases and reported that investigations had so far failed to shed light on the circumstances of the disappearance or their current whereabouts. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Bolivia

54. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Bolivia.

55. The majority of the 48 cases of disappearance reported to the Working Group occurred between 1980 and 1982, in the context of measures taken by the authorities after two military coups d'état.

56. In the past, the Working Group clarified 20 cases of which 19 were clarified on the basis of information provided by the Government and 1 on the basis of information provided by the source. No new information was received from the Government with regard to the 28 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Brazil

57. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Brazil.

58. Most of the 60 cases of disappearance reported to the Working Group occurred between 1969 and 1975, under the military Government, in particular during the guerrilla warfare in the Aerugo region. The majority of those cases were clarified by the Working Group in 1996 on the basis of a law concerning the recognition as dead of persons missing in connection with their political activities in the period 1961-1979 (law No. 9.140/95). The law provides that the relatives of the victims of these persons are entitled to obtain death certificates and to receive compensation from the State. Although the right to request death certificates is guaranteed, it is up to each family to decide whether it will exercise this right. The compensation is due by the State automatically after the recognition of the victim's death.

59. In the past, the Working Group clarified 52 cases, of which 48 were clarified on the basis of information provided by the Government and 4 on the basis of information provided by the source. No new information was received from the Government with regard to the eight outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Burkina Faso

60. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Burkina Faso.

61. The 3 cases of disappearance reported to the Working Group concern 2 soldiers and a university professor, all of whom were reportedly arrested in 1989, together with 27 other persons, on charges of having participated in an alleged conspiracy against the Government.

62. Despite a number of reminders, no information has ever been received by the Working Group from the Government regarding these cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Burundi

63. During the period under review, the Working Group transmitted one new case of disappearance to the Government of Burundi, which occurred in 2001 and was sent under the urgent action procedure.

64. During the same period, the Working Group clarified this case, on the basis of information provided by the source that the person had been unconditionally released after 38 days in detention. The case concerns a person who was allegedly rearrested by members of the army after his release from a military camp on the orders of the Commander of the first Military Region.

65. The majority of the 53 cases of disappearance reported to the Working Group occurred in Bujumbura between November and December 1991, following attacks against the Government in the capital and the north-western provinces of Cibitoke and Bubanza, as well as in September 1994 in Kamenge and Cibitoke, suburbs of Bujumbura. Thirty-one of the disappeared persons, who were of Hutu origin, were reportedly arrested by members of the security forces, mainly composed of members of the Tutsi minority. Most of them were later held at Mura and at paratroopers' barracks in Bujumbura, while others allegedly disappeared while in custody at the headquarters of the Special Investigations Brigade of the gendarmerie in Bujumbura. Other cases of disappearance allegedly concern Hutus, most of whom were reportedly assembled and held by members of the security forces on the playing field of the Ecole technique supérieure in Bujumbura, Kamenge suburb, and then taken away to an unknown destination. Two cases reportedly occurred in 1995 and concern persons arrested by gendarmes, one at a checkpoint in Bujumbura and the other during an identity check on the outskirts of the capital. One case concerns a colonel responsible for military schools and the training centre of the Burundian army, who was reportedly abducted prior to his departure for a seminar abroad. Five cases reportedly occurred between 1996 and 1997, one of which concerns an engineer and a former secretary-general of the Burundian People Union, an opposition political party; two cases concern a parliamentarian and his driver who were reportedly arrested by members of the military on their way to the United Republic of Tanzania; one concerns a teacher who was allegedly abducted by agents of the security services; and one concerns a person who was allegedly arrested by military forces from the Kwipera military post.

66. In the past, the Working Group clarified one case, on the basis of information provided by the source. Despite a number of reminders, no information has ever been received by the Working Group from the Government regarding the 52 outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the persons concerned.

Cambodia

67. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Cambodia.

68. The two cases reported to the Working Group occurred in 1998 and concern persons who allegedly disappeared after a peace march, in the context of growing political tension and violence since September 1998 involving opposition politicians and their supporters who had engaged in protests against alleged electoral fraud during the 26 July 1998 general elections.

69. Despite a number of reminders, no information has ever been received by the Working Group from the Government regarding the two outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the persons concerned.

Cameroon

70. During the period under review, the Working Group transmitted nine new cases of disappearance to the Government of Cameroon, all of which reportedly occurred in 2001.

71. Of the 9 cases of disappearance reported to the Working Group in the past, 6 were reported to have occurred in 1992 and include 5 young persons aged 13 to 17, including 3 brothers who were allegedly taken into police custody in Bamenda at the same time that leaders of the Cameroon Anglophone Movement and over 40 peasants were arrested following a peaceful demonstration. The father of the three brothers also disappeared after making inquiries as to the whereabouts of his children. Three cases were reported to have occurred in 1999, and concern members of the Southern Cameroon National Council who were detained by members of the Mbango National Gendarmerie Brigade and taken away to an unknown destination.

72. The newly reported cases concern adolescents allegedly arrested by security forces from the Bjpanda Omnisports neighbourhood in Douala on suspicion of theft of a neighbour's cooking gas bottle. They were reportedly transferred to a detention facility in Bonanjo-Douala belonging to the Operational Command.

73. During the period under review, the Government provided information on seven outstanding cases. With regard to three cases, the Government reported that the persons concerned had been released on 6 November 2000 by decision of the judicial authorities. Copies of the release papers were transmitted and the Working Group decided to apply the six-month rule to these cases. With regard to the case of the father and his three sons referred to above, the Government reiterated previous information that the three sons had never existed, that the father had forged their birth certificates to prove their existence, that there had been a court judgement finding him guilty of calumny, forgery and use of forged birth certifications, and that, at the request of the Working Group, it had submitted, in June 1997, the relevant court judgement. The Government also reported that an appeal lodged by the father was still pending before the Appeal Court.

74. The Working Group decided to declare the case of the father clarified. In respect of the 17 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Observations

75. The Working Group wishes to thank the Government for the information it has submitted during the year and expresses its deep concern at the increase of reported cases of disappearances in Cameroon. The Working Group wishes to remind the Government of its obligation under article 7 of the Declaration to prevent and to terminate all acts of enforced disappearance.

Chad

76. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Chad.

77. Of the 13 reported cases of disappearance, one occurred in 1983, five in 1991 six in 1996, and one in 1999. One case concerns a member of the Democratic National Union who was reportedly taken prisoner in July 1983 in the context of clashes in Faya-Largeau between government troops and opposition forces. Five cases concern members of the Hadjerai ethnic group who were allegedly arrested in October 1991 by the Chadian security forces. They were reportedly detained following an announcement that an attempt by a section of the Chadian armed forces to overthrow President Idriss Deby had been thwarted. Six other cases concern members of armed opposition groups allegedly arrested by the Sudanese security forces in 1996 at El Geneina, Sudan, near the Chadian border, and handed over to the Chadian security forces. They were allegedly transferred to N'Djamena by members of the Agence nationale de sécurité. One other case concerns a person who was arrested in N'Djamena, in 1999, by members of the Groupement de la sécurité présidentielle.

78. In the past, the Working Group clarified one case, on the basis of information provided by the Government. No new information was received from the Government with regard to the 12 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Chile

79. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Chile.

80. The vast majority of the 912 reported cases of disappearance occurred between 1973 and 1976 under the military Government and concern political opponents of the military dictatorship from various social strata, most of them activists in Chilean left-wing parties. Those responsible for the disappearance were allegedly members of the army, the air force, the carabineros and persons acting with the acquiescence of the authorities.

81. In the past, the Working Group clarified 68 cases, of which 45 were clarified on the basis of information provided by the Government and 23 others on the basis of information provided by the source. No new information was received from the Government with regard to the 844 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Observations

82. The Working Group understands the difficulties involved in gathering the information necessary to determine the whereabouts of victims of enforced disappearance that occurred more than 20 years ago, but the over 800 outstanding cases which are still unelucidated remain a matter of serious concern. The Group wishes to remind the Government of its obligation under article 13 of the Declaration to continue to conduct investigations for as long as the fate and whereabouts of the victims of enforced disappearance remain unclarified.

83. The Working Group expresses the hope that the Government and the relatives will take steps to clarify the outstanding cases and, if applicable, implement the provisions of article 19 of the Declaration, which entitles the victims and relatives to compensation.

China

84. During the period under review, 12 new cases of disappearance were transmitted by the Working Group to the Government of China; 10 of these reportedly occurred in 2001 and were sent under the urgent action procedure.

85. Most of the 94 cases of disappearance reported to the Working Group in the past are said to have occurred between 1988 and 1990, or between 1995 and 1996. The majority of these cases concern Tibetans. Nineteen cases concern a group of Tibetan monks who had reportedly been arrested in Nepal, interrogated by Chinese officials while in detention and allegedly turned over to the Chinese authorities at the Jatopani border. Four monks who reportedly disappeared in 1996 were allegedly accused of having produced pro-independence posters and leaflets containing prayers for the health and safety of the child who was recognized by the Dalai Lama on 14 May 1995 as the reincarnation of the Panchen Lama, whose disappearance was also reported to the Working Group. Several other persons are reported to have disappeared following celebrations to mark the thirtieth anniversary of the founding of the Tibet Autonomous Region. Other persons who reportedly disappeared were human rights activists involved in pro-democracy activities. Three of the reported cases concern persons who disappeared after the incidents in Beijing in 1989.

86. In the past, the Working Group clarified 65 cases, of which 56 were clarified on the basis of information provided by the Government and 9 on the basis of information provided by the source. In a majority of cases clarified on the basis of information provided by the Government, the persons concerned were living at liberty at the address that was provided.

87. Of the newly reported cases, 11 cases concern Falun Gong practitioners who were allegedly arrested or abducted by the police, security services or local administrative officials in various parts of the country, in 2000 and 2001. One other case, which reportedly occurred in August 2000, concerns an autistic boy who is alleged to have disappeared after having been questioned by Hong Kong immigration officers.

88. The Government of China replied to 30 cases of disappearance. Referring to a reminder sent by the Working Group with regard to these cases, the Government reported that it had already provided clarifications in previous communications sent in 1999, and retransmitted this information. With regard to three cases, the Government replied that the persons concerned had been arrested, tried, and were currently serving prison sentences. In one case, the person had left the country and information on the date and place of departure, and the flight number, were provided. In another case, the person concerned had been placed under house supervision orders that were subsequently lifted and his current address was provided. With regard to two other cases, the Government reported that the person had either left the country or had been placed under house supervision orders that were subsequently lifted.

89. With regard to the 23 remaining cases, the Government stated that the summaries of the cases that it had received from the Working Group clearly contain the serious replies that it had submitted in the past. The persons were either in detention, in which case information on the reasons and place of detention had been provided, or had been released, or had left the country, or investigations had shown that the persons did not exist and that inaccurate or false information had been provided in the allegations. In respect of some cases, the Government had carried out several investigations and had provided the Working Group with the results.

90. During the period under review, the Working Group decided to apply the six-month rule to eight cases. One case that was clarified in the past but was still listed as outstanding owing to an error in its last report (E/CN.4/2001/68) was removed from the statistical table in the annex to the present report. In respect of the 42 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Colombia

91. During the period under review, the Working Group transmitted 12 new cases of disappearance to the Government of Colombia, all of which reportedly occurred in 2001. During the same period, the Working Group retransmitted one case to the Government, updated with new information from the source.

92. The majority of the 1,114 reported cases of disappearance in Colombia occurred since 1981, in particular in those regions where the level of violence is highest. In a large number of these cases, those responsible were allegedly members of paramilitary groups whose actions were believed to be undertaken with the complicity or acquiescence of members of the security forces, very often in areas of heavy military presence. In other cases, those responsible for the disappearances were said to have been members of the security forces. The cases include those of persons belonging to civic or human rights groups who had denounced abuses by members of the security forces or paramilitary groups.

93. The newly reported cases occurred mainly in Antioquia, Córdoba, Tolima and Santander. In all these cases, the abductions leading to disappearances were reportedly carried out by members of paramilitary groups, including Autodefensas Unidas de Colombia (United Self-Defence Forces of Colombia - AUC) and the United Self-Defence Groups of Córdoba and Urabá (Autodefensas Unidas de Córdoba y Urabá - AUCU). The victims include an adolescent, the President of the El Cairo Cement Workers' Union in Santa Barbara and leader of the Trade Union Confederation, the Central Unitaria de Trabajadores (CUT), a traditional leader of the Embera-Katio indigenous people, two workers and two farmers.

94. During the period under review, the Government provided information on 32 outstanding cases. With regard to one case, the Government replied that the person concerned had not disappeared, but could be reached at the address provided. The Working Group decided to apply the six-month rule to that case. Most of the other replies contained detailed information on the steps taken by judicial or administrative authorities to locate the persons, to identify those responsible, or to bring the perpetrators to justice. In some cases, the Government reported that investigations had been suspended by the judicial authorities due to the lack of new information. With regard to the remainder of the outstanding cases, the Government requested an extension of the deadline for submission of replies, since the competent authorities dealing with the investigations and providing information on the action taken would require a reasonable amount of time to respond to a request of such magnitude. Despite this information, the Working Group was unable to clarify any of these cases during the period under review.

95. The Government also provided detailed information on the content and implementation of the Forced Disappearance of Persons Act No. 589, approved by President Andrés Pastrana on 6 July 2000, which provides definitions of genocide, forced disappearance, forced displacement and torture, and includes other provisions of great significance for the defence of human rights in the country. The Government also reported that on 20 March 2000, the Ministry of External Affairs and the Ministry of Justice had submitted to the Senate secretariat a bill (159/01) on the ratification of the Inter-American Convention on Forced Disappearance of Persons.

96. In the past, the Working Group clarified 258 cases, of which 198 were clarified on the basis of information provided by the Government and 60 others on the basis of information provided by the source. In respect of the 856 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Observations

97. The Working Group wishes to express its appreciation to the Government of Colombia for its cooperation during the period under review. It understands the difficulties in gathering the information necessary to determine the whereabouts of the victims of enforced disappearances in the context of violence and internal war which the country is experiencing. However, the Working Group is deeply concerned that the overall human rights situation has not improved, the level of violence has not diminished, and disappearances have continued to occur during the period under review.

98. The Working Group wishes to remind the Government of its continuous responsibility to conduct thorough and impartial investigations "for as long as the fate of the victim of enforced disappearance remains unclarified", in accordance with article 13 (6) of the Declaration.

99. The Working Group urges the Colombian authorities to do everything in their power to ensure the safety of relatives and witnesses, in accordance with article 13 (3).

Congo

100. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Congo.

101. Most of the 31 reported cases of disappearance occurred between May and August 1999, and concern persons who were separated from a convoy returning to Brazzaville from the Democratic Republic of the Congo and taken for interrogation by members of the security forces.

102. Despite a number of reminders, no information has ever been received by the Working Group from the Government regarding the 31 outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the persons concerned.

Cyprus

103. As in the past, the Working Group continues to remain available to assist, as appropriate, the Committee on Missing Persons in Cyprus (CMP), established at the request of the General Assembly in its resolutions 32/128 of 16 December 1997 and 33/172 of 20 December 1978, in the fulfilment of its duties.

Democratic Republic of the Congo

104. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Democratic Republic of the Congo.

105. The majority of the 51 reported cases of disappearance concern, on the one hand, persons suspected either of being members of the guerrilla group, Parti de la révolution populaire, or political activists who disappeared between 1975 and 1985, and, on the other hand, Rwandan refugees who disappeared in 1998. The victims include a journalist, who was allegedly abducted in 1993 by members of the Division spéciale présidentielle and the civil guard, four men who were allegedly arrested in Likasi in 1994 by soldiers, two villagers from Kitshanga who were reportedly arrested in 1996 by members of the Zairian Armed Forces, and a man said to have been arrested, also in September 1996, by members of the Service for Action and Military Intelligence (Service d'actions et de renseignements militaires). Eighteen cases occurred in 1998 and concern Rwandan refugees, the majority of whom were women and their children, who were allegedly abducted by the Tutsi military in Kisangani. One case concerns a professor who was allegedly arrested by members of the Rwandan Patriotic Army, and another concerns the minister of the church of Mvuka Ma Bundu.

106. In the past, the Working Group clarified nine cases, of which six were clarified on the basis of information provided by the Government and three on the basis of information provided by the source. No new information was received from the Government with regard to 42 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Dominican Republic

107. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Dominican Republic.

108. Of the four cases reported to the Working Group, one concerns a person who was arrested in June 1984 in Santo Domingo; another concerns a university lecturer, journalist and political activist who was reportedly detained in May 1994 by members of the army and subsequently taken to a military base; one concerns a day-labourer and Haitian national who was allegedly arrested in 1984 by forest rangers in Batey Montellano; and the other, a person who was reportedly arrested in 1988 together with two community leaders by agents of the national secret police in Santo Domingo.

109. In the past, the Working Group clarified two cases on the basis of information provided by the Government. No new information was received from the Government with regard to the two outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Ecuador

110. During the period under review, the Working Group transmitted one new case of disappearance to the Government of Ecuador which reportedly occurred in 2001 and was sent under the urgent action procedure.

111. The majority of the 22 cases of disappearance reported in the past occurred between 1985 and 1992 and concerned persons who were allegedly arrested by members of the Criminal Investigation Service of the National Police. The disappearances occurred in Quito, Guayaquil and Esmeraldas. In three cases the victims were children. One concerns a Colombian citizen who is reported to have disappeared in Portoviejo city following his detention by members of the army on charges of arms-trafficking.

112. The newly reported case concerns a student who was allegedly abducted by members of the security forces. He had reportedly been able to make a telephone call from his place of detention saying that he was being held in a secret place and that he had been tortured.

113. In respect of this case, the Government reported that investigations had revealed that the person concerned is currently residing with his family and that he had not been a victim of enforced or involuntary disappearance. The authorities had met with the person concerned, his family and teachers, and their testimonies confirmed the conclusions of the investigations. The Working Group decided to apply the six-month rule to this case.

114. In the past, the Working Group clarified 15 cases, of which 11 were clarified on the basis of information provided by the Government that the persons concerned were either living at liberty or were in detention; 4 cases were clarified on the basis of information provided by the source. In respect of the 8 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Egypt

115. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Egypt.

116. Many of the 20 cases reported to the Working Group allegedly occurred between 1988 and 1994. The victims included alleged sympathizers of Islamic militant groups, students, a trader, a doctor and three citizens of the Libyan Arab Jamahiriya. The renewal of the state of emergency during this period, which reportedly gave free rein to the security forces, without supervision or accountability, is said to have been an aggravating factor in the disappearances. Two other reported cases concern Egyptian citizens arrested in 1995 and 1996, respectively, by members of the State Security Investigation Department. A more recent case concerns a farmer who was arrested in Mallawi together with a lawyer. He was allegedly detained at the police station in Mallawi before being transferred to another detention centre.

117. During the period under review, the Working Group met with representatives of the Government of Egypt and engaged in an exchange of views with regard to the 12 outstanding cases. The representatives stressed the importance it attached to clarifying the outstanding cases and reported that investigations are continuing.

118. In the past, the Working Group clarified eight cases, of which seven were clarified on the basis of information provided by the Government and one on the basis of information provided by the source. In respect of the 12 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

El Salvador

119. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of El Salvador.

120. The majority of the 2,661 reported cases occurred between 1980 and 1983, in the context of the armed conflict between the Government of El Salvador and the Farabundo Martí National Liberation Front (FMLN). Many victims disappeared following arrest by uniformed soldiers or uniformed police, or abduction in death-squad-style operations carried out by armed men in civilian clothing, reportedly linked to the army or to the security forces. Abductions by armed men in civilian clothing were, in some cases, subsequently recognized as detentions, which raised allegations of links with the security forces.

121. In the past, the Working Group clarified 391 cases, of which 318 were clarified on the basis of information provided by the Government and 73 others on the basis of information provided by the source. No new information was received from the Government with regard to 2,270 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Observations

122. The Working Group continues to be concerned that little has been done to clarify the more than 2,000 outstanding cases, and that no information has been received from the Government during 2001 regarding these cases. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct thorough and impartial investigations for as long as the fate of the victim remains unclarified.

123. The Working Group expresses the hope that the Government and the relatives will take steps to clarify the outstanding cases and, if applicable, implement the provisions of article 19 of the Declaration, which entitles the victims and relatives to compensation.

Equatorial Guinea

124. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Equatorial Guinea.

125. The three previously reported cases of disappearance concern members of political opposition parties who were reportedly arrested in Malabo on 9 and 10 August 1993. The police authorities, however, reportedly refused to disclose any information on their whereabouts.

126. Despite several reminders, no information has ever been received by the Working Group from the Government on these outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Eritrea

127. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Eritrea.

128. The 34 cases reported to the Working Group occurred in 1998 and concern Ethiopian nationals who were reported to have been arrested by the Eritrean police in front of the Ethiopian embassy in Asmara.

129. During the period under review, no new information was received by the Working Group from the Government concerning these cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Ethiopia

130. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Ethiopia.

131. The majority of the 114 cases of disappearance transmitted by the Working Group reportedly occurred between 1991 and 1996 under the transitional Government and concern members of the Oromo ethnic group suspected of having participated in the Oromo Liberation Front, who were allegedly arrested in Addis Ababa or disappeared from the Huso military detention camp in western Ethiopia. Other cases concern members of the Ogaden National Liberation Front (a political party) who disappeared in Region Five in eastern Ethiopia, also known as the Ogaden. One case, which occurred in 1996, concerns an Ethiopian refugee in Djibouti who was reportedly arrested at a refugee camp in Djibouti by members of the Djibouti police and handed over to the Ethiopian authorities.

132. In the past, the Working Group clarified two cases, of which one was clarified on the basis of information provided by the Government and one on the basis of information provided by the source. No new information was received from the Government with regard to the 112 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Observations

133. The Working Group continues to be concerned that little has been done to clarify the more than 100 outstanding cases, and that no information has been received from the Government during 2001 regarding these cases. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct thorough and impartial investigations for as long as the fate of the victim remains unclarified.

134. The Working Group wishes to remind the Government of Ethiopia of its obligation to take all measures necessary to prevent further cases of disappearance, to investigate all outstanding cases and to bring the perpetrators to justice.

Greece

135. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Greece.

136. Of the three cases reported to the Working Group, two concern Albanian cousins who were reportedly taken by the police in Zagora in 1993 and the other, a Swiss citizen who was allegedly denied entry into Italy on arrival there from Greece on a Greek ship in 1995 and had returned to Greece on the same ship.

137. During the period under review, no new information was received from the Government with regard to the three outstanding cases. The Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Guatemala

138. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Guatemala.

139. The majority of the 3,151 reported cases of disappearance in Guatemala occurred between 1979 and 1986, mainly under the military regime and in the context of the Government's fight against the Unidad Revolucionaria Nacional Guatemalteca (URNG). On 29 December 1996, the Government of Guatemala and the URNG signed, in Guatemala City, the Agreement on a Firm and Lasting Peace, thus completing the negotiating process between the two parties. Following the signing of the Agreement, there has been a trend towards greater respect for human rights.

140. During the period under review, the Government transmitted information on 63 outstanding cases. With regard to all cases, the Government replied that the persons concerned had, in fact, not disappeared since records in the civil registry concerning them contained entries that post-dated their alleged disappearance: identity cards had been renewed, in some cases several times, a procedure which can only be conducted in person; marriages had been contracted and persons had registered as residents and on professional rolls. For one of these cases, the Government also provided a certificate that the person and his family are presently residing in the United States of America. For three of them, the Government replied that the person had since died and transmitted a copy of the death certificate. For all the cases, the Government provided the Working Group with copies of the relevant records and certificates, containing their present addresses. In view of the above and the accompanying documentation, the Government requested that the Working Group consider these cases as resolved. The Working Group decided to apply the six-month rule in respect of all 63 cases.

141. In the past, the Working Group clarified 169 cases, of which 90 were clarified on the basis of information provided by the Government and 79 on the basis of information provided by the source. In respect of the 2,982 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Observations

142. The Working Group wishes to express its appreciation to the Government of Guatemala for its cooperation during the period under review. It understands the difficulties in gathering the information necessary to determine the whereabouts of the victims of enforced disappearances that occurred in the context of an internal war.

143. The Working Group wishes to remind the Government of the urgency of taking "effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance" in accordance with article 3 of the Declaration. It also reminds the Government of its continuous responsibility to conduct thorough and impartial investigations "for as long as the fate of the victim of enforced disappearance remains unclarified", in accordance with article 13 (6) of the Declaration.

144. The Working Group expresses the hope that the Government and the relatives will take steps to clarify the outstanding cases and, if applicable, implement the provisions of article 19 of the Declaration, which entitles the victims and relatives to compensation.

Guinea

145. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Guinea.

146. The majority of the 28 reported cases in Guinea occurred in 1984 and 1985 in the context of a coup d'état. The Working Group has received no reports of disappearance occurring in Guinea after 1985.

147. In the past, the Working Group clarified seven cases, all of which were clarified on the basis of information provided by the source. Despite several reminders, no information has ever been received by the Working Group from the Government on the 21 outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Haiti

148. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Haiti.

149. The majority of the 48 reported cases of disappearance occurred in three waves during the periods 1981-1985, 1986-1990 and 1991-1993. Most of the cases which occurred during the first period concern members or supporters of the Haitian Christian Democrat Party who were allegedly arrested by members of the armed forces or by the Tonton Macoutes. The cases that occurred during the second period concern persons who were reportedly arrested by armed men in civilian clothes, members of the Anti-Gang and Investigation Service, and by the police. The last wave of cases took place in the aftermath of the coup d'état, which ousted elected President Aristide.

150. In the past, the Working Group clarified 10 cases, of which 9 were clarified on the basis of information provided by the Government, and 1 on the basis of information provided by the source. No new information was received from the Government with regard to the 38 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Honduras

151. During the period under review, the Working Group transmitted three new cases of disappearances to the Government of Honduras. During the same period, the Working Group retransmitted one case, updated with new information from the source. The majority of the 202 cases reported to the Working Group occurred between 1981 and 1984, a period during which members of Battalion 3-16 of the armed forces and heavily armed plain-clothes men

seized people perceived as ideological enemies, at their homes or on the street, and took them to clandestine detention centres. The systematic practice of disappearance ended in 1984, although sporadic cases continued to occur.

152. The newly reported cases occurred in 1983 and concern leaders of the Revolutionary Party of Central American Workers-Honduras (PRTC-H), among them two United States citizens, who were captured after entering the country from Nicaragua on 19 July 1983 with a guerrilla column. These cases are related to the case concerning a Jesuit priest that was reported to the Working Group in the past. On 19 September 1983, the Honduran Army in Nueva Palestina had announced that it had killed the leader of the insurgents and defeated the insurgency during the so-called Olancho operation. The Report on Selected Issues Relating to CIA activities in Honduras in the 1980s of the Inspector-General of the Central Intelligence Agency, declassified and released in September 1998, also contains references indicating that the persons concerned were among those summarily executed by Honduran army officers after being interrogated. However, their bodies have not yet been found. It is alleged that there are reports that the United States army and/or CIA personnel, and also perhaps the Nicaraguan Contras, who were based in Honduras at the time, helped the Honduran army in the Olancho operation. In accordance with its methods of work, copies of the cases were also sent to the Government of the United States of America.

153. In the past, the Working Group clarified 70 cases, of which 30 were clarified on the basis of information provided by the Government and 40 on the basis of information provided by the source. No new information was received from the Government with regard to the 132 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Observations

154. The Working Group continues to be concerned that little has been done to clarify the more than 100 outstanding cases and that no information has been received from the Government during 2001 regarding these cases. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct thorough and impartial investigations for as long as the fate of the victim remains unclarified.

India

155. During the period under review, the Working Group transmitted 17 new cases of disappearance to the Government of India, of which one reportedly occurred in 2001.

156. The majority of the 355 cases transmitted to the Government in the past occurred between 1983 and 1995, in the context of ethnic and religious disturbances in the Punjab and Kashmir regions. The disappearances in both regions were primarily attributed to the police authorities, the army and paramilitary groups acting in conjunction with, or with the acquiescence of, the armed forces. In Kashmir, numerous persons are said to have disappeared after armed encounters with security forces. The disappearances were alleged to have been the result of a number of factors related to the wide powers granted to the security forces under emergency legislation, in particular the Terrorist and Disruptive Activities Act and the Public

Security Act. In addition to allowing preventive detention, these laws allowed prolonged detention without the many other normal safeguards available under the criminal codes. The victims have included shopkeepers, a lawyer who was reportedly well known for defending Sikhs detained in Punjab, journalists, human rights activists, students and others.

157. All the newly reported cases occurred between 1991 and 2000 in various towns and villages in Jammu and Kashmir, and included persons from various professional backgrounds, although mainly students. In most cases, the disappearance is said to have occurred following arrest by the armed forces at home, at work or in a public place.

158. During the period under review, the Government transmitted information on 10 out of the 304 outstanding cases. With regard to one case, the Government reported that the person concerned had been taken in for questioning and subsequently been released, and provided details on his current workplace and residence. In that case, the Working Group decided to apply the six-month rule. With regard to six cases, the Government reported that either there were no records that the persons had been arrested, detained, or apprehended, or that the incidents that allegedly led to the arrests had never taken place. For three of these cases, the Government reported that the persons were members of the banned extremist organization the United Liberation Front of Assam (ULFA) and that they may either be in hiding or have crossed the border to evade police arrest. In another case, the person concerned had never resided in the location given. For two cases, the Government had complied with court orders to pay the families a sum of money and that the cases were closed.

159. In the past, the Working Group clarified 50 cases, of which 40 were clarified on the basis of information provided by the Government and 10 on the basis of information provided by the source. During the period under review, the Working Group clarified one case on the basis of information submitted by the Government that the person concerned had been released from detention and was residing at his home, on which the source did not make any observations within the six-month period. In respect of the 304 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Observations

160. The Working Group wishes to express its appreciation to the Government of India for the information provided during the course of the year and for its efforts to investigate cases of disappearance.

161. Nevertheless, the Group remains concerned that new cases of disappearance continue to be reported to it, and that very few cases on its files have been clarified. While understanding the Government's efforts to combat violence, the Working Group wishes to stress that, under article 7 of the Declaration, no circumstances whatsoever may be invoked to justify enforced disappearances.

162. The Working Group wishes to remind the Government of India of its obligation to take all measures necessary to prevent further cases of disappearance, to investigate all outstanding cases and to bring the perpetrators to justice.

Indonesia

163. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Indonesia.

164. The majority of the 638 cases of reported disappearance transmitted in the past occurred in 1992 following the incident at Santa Cruz cemetery in Dili, East Timor, where, on 12 November 1991, security forces opened fire on peaceful demonstrators during a memorial service for two youths who had been killed in a clash with the police. Over 200 persons are alleged to have disappeared on or shortly after 12 November 1991. A large number of these cases, which reportedly occurred in 1998, concern students involved in anti-Government demonstrations in East Timor, Jakarta and Sumatra, among them the leader of the Indonesian Students Solidarity for Democracy. Many of the cases of disappearance occurred in East Timor and in Jakarta.

165. During the period under review, in accordance with its methods of work, the Working Group decided to address all future communication in respect of at least 193 cases of disappearance that occurred in the past in East Timor, of which at least 161 are still outstanding, to the United Nations Transitional Administration in East Timor (UNTAET). In accordance with its methods of work, the Working Group will also send copies of these cases to the Government of Indonesia. It also decided to transfer these cases from its register on Indonesia and to consider these cases under a separate chapter, entitled United Nations Transitional Administration in East Timor (UNTAET). Consequently, the total number of cases reported from Indonesia will be no more than 447, of which at most 401 are outstanding. It must be noted that these figures are only an estimate and are subject to change once the exact number of cases that occurred in the areas that are now under UNTAET are carefully reviewed.

166. During the period under review, the Government reported that the political upheavals of the past three years and the difficult transition from an authoritarian to a representative pluralistic democracy had led to outstanding improvements in the promotion and protection of human rights. It pointed out that since many of the cases of disappearance dated back to the 1980s, it was somewhat unrealistic to hold the present democratically elected Government accountable for these abuses. The Government further reported on the difficulties it encountered in the investigation and clarification of outstanding cases. Many cases appeared to originate from diverse areas of the country and some names were very common to certain areas and could involve hundreds of individuals. Human rights awareness in the country had, moreover, long been hampered by decades of oppressive measures, by the lack of personnel and by often deliberately non-transparent policies. Under such conditions, mistakes in identification were frequent. Occasionally, the persons concerned had resurfaced elsewhere at a later date without any modification having been made to their status. The Government also provided information on various measures it had adopted, reflecting a completely new approach towards handling human rights violations based on the fundamental respect for individual rights.

167. During the same period, the Working Group clarified two cases, both of which occurred in the area now under UNTAET, on the basis of information submitted by the Government of Indonesia, on which the source had not made observations within the six-month period, that the persons concerned are detained at the Bacau police station awaiting trial on the basis of sufficient

initial evidence of their involvement in an armed confrontation. In respect of the estimated 401 outstanding cases in Indonesia, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Observations

168. The Working Group wishes to thank the Government of Indonesia for the information provided enabling two cases to be clarified during the period. The Group wishes to remind the Government of its obligation under article 13 of the Declaration to continue to conduct investigations for as long as the fate and whereabouts of the victims of enforced disappearance remain unclarified.

Iran (Islamic Republic of)

169. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Islamic Republic of Iran.

170. The majority of the 516 cases of reported disappearance occurred between 1981 and 1989. Some of the missing persons were reportedly arrested and imprisoned for their alleged membership in armed opposition groups. One case concerns an Iranian writer who was detained in 1998 at Mehrabad airport in Tehran as he was leaving the country to visit his family abroad. He is said to be an outspoken critic of the Government. Four cases concerned students who were allegedly detained during demonstrations that took place in Tehran in July 1999.

171. In the past, the Working Group clarified 15 cases, of which 13 were clarified on the basis of information provided by the Government and 2 on the basis of information provided by the source. No new information was received from the Government with regard to the 501 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Observations

172. The Working Group continues to be concerned that little has been done to clarify the more than 500 outstanding cases and that no information has been received from the Government during 2001 regarding these cases. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct thorough and impartial investigations for as long as the fate of the victim remains unclarified.

173. The Working Group wishes to remind the Government of Iran of its obligation to take all measures necessary to prevent further cases of disappearance, to investigate all outstanding cases and to bring the perpetrators to justice.

Iraq

174. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Iraq.

175. The majority of the 16,514 cases of disappearance reported to have occurred in Iraq concern persons of the Kurdish ethnic group who allegedly disappeared in 1988, in the course of the so-called operation Anfal, when the Government of Iraq reportedly implemented a programme of destruction of villages and towns throughout Iraqi Kurdistan. A significant number of other cases concern Shi'ah Muslims who are reported to have disappeared in the late 1970s and early 1980s in the course of the expulsion of their families to the Islamic Republic of Iran on the allegation that they were "of Persian ancestry". Other cases occurred following the March 1991 uprising by Arab Shi'ah Muslims in the south and by Kurds in the north. Earlier cases took place in 1983, when Iraqi forces arrested a large number of Kurds from the Barzani clan, near Arbil. Some 30 cases which reportedly occurred in 1996 concern members of the Yazidi community who were allegedly arrested during a wave of mass arrests in Mosul by members of the security forces. Other cases concerned Shi'ah Muslims who were reportedly detained in Karbala in 1996 as they were going on a pilgrimage. Victims of disappearance in Iraq include suspected political opponents, or those arrested because of a family tie to a political opponent, or those held hostage in order to force relatives sought by the authorities for their political opposition to surrender, and those arrested because of their ethnic origin.

176. In the past, the Working Group clarified 130 cases, of which 107 were clarified on the basis of information provided by the Government and 23 on the basis of information provided by the source. No new information was received from the Government with regard to the 16,384 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Observations

177. Iraq remains the country with the highest number of disappearances reported to the Working Group. The efforts of the Government of Iraq to investigate the over 16,000 outstanding cases of disappearance and to cooperate with the Working Group are totally inadequate. Under the Declaration, the Government is under an obligation to take effective legislative, administrative, judicial or other measures to prevent, terminate and investigate all acts of enforced disappearance.

178. In order to prevent further cases of disappearance, the Government should, in particular, cease its practice of arbitrary detentions and provide all detainees with at least the minimum right of prompt access to their families, legal counsel and independent judicial authorities. The total impunity with which the perpetrators continue to act clearly violates the obligation of the Government to make all acts of enforced disappearance an offence under criminal law, to investigate all such cases and to bring the perpetrators to justice.

Israel

179. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Israel.

180. Of the three cases reported to the Working Group, one occurred in 1992 in Jerusalem and concerns a person who failed to return home from work and who is allegedly detained in a prison in Tel Aviv. Another case concerns a Palestinian who was reportedly arrested in 1971 on the

day a bomb exploded in Gaza, and was last seen in a detention camp. One other case concerns a Palestinian from the occupied West Bank who was allegedly detained in Hebron in 1991 by Israeli security forces. In all three cases, Israeli military or security forces were said to be responsible. During the period under review, in accordance with its methods of work, a copy of a case that was transmitted to the Palestinian Authority was sent to the Government of Israel. The case concerns a United States citizen of Palestinian descent who disappeared near the Israeli settlement of Ofrah and who was allegedly abducted by the Israeli Defense Forces (IDF). (See also chapter on Palestinian Authority.)

181. In the past, the Working Group clarified one case on the basis of information provided by the source. Despite several reminders, no information has ever been received by the Working Group from the Government on the two outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Jordan

182. During the period under review, the Working Group transmitted one new case of disappearance to the Government of Jordan.

183. The case reported to the Working Group in the past occurred in Amman in 1999 and concerns an Iraqi national who was allegedly abducted by Iraqi intelligence services.

184. The newly reported case occurred in 1968 and concerns an Indian national who was allegedly arrested in Jordan, close to the border with the Syrian Arab Republic, by Syrian border police. In accordance with its methods of work, a copy of the case was also sent to the Government of the Syrian Arab Republic.

185. Despite several reminders, no information has ever been received by the Working Group from the Government on the two outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons. During the same period, the Government of the Syrian Arab Republic reported that, with regard to the newly reported case concerning the Indian national, the Government is continuing its inquiry and will inform the Working Group as soon as possible on the circumstances of his disappearance.

Kuwait

186. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Kuwait.

187. The only outstanding case reported to the Working Group, concerns a "bedouin" of Palestinian origin with a Jordanian passport, who was allegedly arrested after the retreat of the Iraqi forces from Kuwait in 1991 and is said to be detained by the Kuwaiti Secret Police. His family was reportedly not allowed to renew its residency status in Kuwait and had obtained refugee status in Australia.

188. During the period under review, the Working Group met with representatives of the Government of Kuwait, including the Attorney-General and an official of the Department of International Justice of the Ministry of Justice, and engaged in an exchange of views with regard to this case.

189. Prior to the meeting, in a communication addressed to the Working Group, and during the meeting the Government stressed the importance it attached to clarifying this one outstanding case, reiterated its desire to invite a family member of the person concerned to visit Kuwait with a view to finding a solution, and requested the Working Group to transmit this invitation to the family. During the meeting, the Working Group emphasized the importance of confidence-building measures and expressed its willingness to facilitate a meeting between members of the family and possible witnesses, on the one hand, and representatives of the competent Kuwaiti authorities, on the other, with a view to arriving at an agreed solution to the alleged disappearance of their family member. The Working Group proposed that the meeting be held either in Geneva or in Kuwait, with one or two of its members facilitating the meeting. In preparation for such a meeting, the Working Group requested the Government to provide information on the legal procedures available in Kuwait, in civil or family law, for the clarification of cases of disappeared persons, including the provision of compensation to the family and the issuance of death certificates, taking into account any bilateral agreements with Jordan affecting citizens of Jordan residing in Kuwait. During the period under review, the Government provided the Working Group with the relevant information.

Lao People's Democratic Republic

190. During the period under review, the Working Group transmitted five new cases of disappearance to the Government of the Lao People's Democratic Republic.

191. The one case transmitted to the Government in the past occurred in 1993 and concerns the leader of a group of repatriates who reportedly left his residence to attend a meeting at the Department of the Interior, accompanied by an official of the Department, to discuss the rehabilitation of the returnees.

192. The newly reported cases occurred in 1999 and concern members of the Lao Students Movement for Democracy, who were participating in a peaceful protest in Vientiane when they were surrounded by the police and arrested.

193. The Government replied to the Working Group concerning the case of disappearance that occurred in 1993, in which it reiterated that citizens of the country have the right to move about freely and to leave the country. In respect of the six outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Lebanon

194. During the period under review, the Working Group transmitted six new cases of disappearance to the Government of Lebanon. During the same period, the Working Group retransmitted one case to the Government, updated with new information from the source.

195. The majority of the 312 cases of disappearance reported to the Working Group occurred in 1982 and 1983 in the context of the Lebanese civil war. Those responsible for the disappearances are said to have belonged to the Phalangist militia, the Lebanese army or its security forces; in some cases, the Israeli army was also reportedly involved in the arrest, together with one of the other forces mentioned. In a number of cases, the missing person was reportedly arrested and taken away from the Sabra and Chatila refugee camps in September 1982. In some cases, which reportedly occurred in 1984, 1985 and 1987, the arrested persons were foreign nationals who were abducted in Beirut. In some of these cases, religious groups such as the "Islamic Holy War" later claimed responsibility for the abductions. In a few cases, including two that occurred in 1990, the persons concerned were reportedly arrested by members of the Syrian army or security services at checkpoints before being transferred to and detained in the Syrian Arab Republic. One case, which allegedly occurred in June 1997, in Akkar, north Lebanon, concerned a medical doctor who was reportedly abducted by members of the Syrian military intelligence. His arrest is thought to relate to his alleged membership in an illegal political party.

196. The newly reported cases reportedly occurred between 1976 and 2000 and concern a university professor who was allegedly kidnapped by the Hezbollah and transferred to Syria, a student who was said to have been kidnapped by the Syrian army at a roadblock in Younieh, another person who disappeared on his way to work and who is believed to be detained in the Saidnaya prison in Syria, and three Israeli nationals who were allegedly kidnapped by the Hezbollah while they were patrolling the southern side of the Israeli-Lebanese border. In accordance with its methods of work, copies of the first three cases were also sent to the Government of the Syrian Arab Republic.

197. At its sixty-fourth session, the Working Group met with representatives of the Government of Lebanon, including a member of the newly established national ad hoc human rights committee of Lebanon, who is also President of the Human Rights Committee of the Bar Association of Lebanon, and engaged in an exchange of views with regard to the outstanding cases. The Committee had identified three categories of disappeared persons: those who had been liquidated by various militia during the war in Lebanon, involving foreign forces, between 1975 and 1990; those who were transferred to Israel; and, those whom relatives believe were transferred to Syria. The representative pointed out that many persons had disappeared following the Israeli invasion of Lebanon in 1980 and its occupation of Beirut in 1982; although they had withdrawn from Beirut, they remained in southern Lebanon until May 2000. The Government faces tremendous difficulties in locating these persons, although reports received from various non-governmental organizations indicate that these persons are to be found in Israel. In 1992, the International Committee of the Red Cross found a number of persons of Lebanese origin in a hospital in Israel. Recently, the Government of Israel announced the transfer of bodies from one cemetery to another, without identifying them. With regard to persons believed to be in the Syrian Arab Republic, the Government has addressed itself to the Government of that country and is awaiting a reply. The representative requested the Working Group's assistance in raising the matter with the Governments of Israel and the Syrian Arab Republic.

198. During the meeting, the Working Group requested information on the steps taken by the Government with regard to clarifying the cases in the first category, relating to persons feared dead, in view of the fact that most of the cases on its list are in that category. The Group also requested information on the legal procedures available to the Government for the clarification of such cases, including the provision of compensation to the families and the issuance of death certificates. In this regard, the representative replied that, since the relatives believe that the persons are still alive, they have not asked for death certificates or compensation, but that once the fate of the persons concerned is established, the Committee would recommend that such actions be taken. In conclusion, the government representative said that a report would be submitted to the Working Group by the end of the year, either by the ad hoc human rights committee or by the Bar Association of Lebanon.

199. In the past, the Working Group clarified eight cases, of which, two were clarified on the basis of information provided by the Government and six on the basis of information provided by the source. In respect of the 304 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Observations

200. The Working Group wishes to thank the Government for the cooperation and information it provided during the course of the year. While understanding the difficult situation in Lebanon, the Working Group remains concerned that only 2 out of 312 cases have been clarified by the Government.

201. It wishes to remind the Government of its obligation under article 2 of the Declaration not to practice, permit or tolerate enforced disappearances even if such acts are allegedly carried out by the authorities of another State. It is the obligation of the Government of Lebanon to take all effective legislative, administrative, judicial or other measures to prevent, terminate and investigate all acts of enforced disappearance in any territory under its jurisdiction and to bring the perpetrators to justice.

Libyan Arab Jamahiriya

202. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Libyan Arab Jamahiriya.

203. Of the four reported cases of disappearance, two concern Palestinian nationals who were allegedly arrested in 1996, one in a Palestinian camp near Salloum and the other in Tubruk, on suspicion of having links with a religious opposition movement. One case concerns a Sudanese translator at the International Centre of Research of the Green Book in Tripoli who reportedly disappeared in 1993. Another case concerns a Lebanese citizen who was reportedly abducted in Tripoli in 1978 while he was accompanying a famous Shi'ite Muslim scholar visiting the country.

204. In the past, the Working Group clarified one case on the basis of information provided by the source. No new information was received from the Government with regard to the three outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Malaysia*

205. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Malaysia.

206. The two reported cases of disappearance occurred in 1998 and concern Achehnese activists of Indonesian nationality with permanent resident status in Malaysia.

207. In the past, the Working Group clarified one case on the basis of information provided by the source. No new information was received from the Government with regard to the only outstanding case. The Working Group is, therefore, unable to report on the fate and whereabouts of the person concerned.

Mauritania

208. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Mauritania.

209. The only case reported to the Working Group reportedly occurred in 1990 and concerns a 21-year-old man who was allegedly taken by members of the National Guard in a village in southern Mauritania during a nightly curfew. At that time, reportedly many people belonging to the Hal-Pulaar ethnic group in the south of the country were subjected to human rights violations, allegedly carried out by government forces and the Haratine militia.

210. During the period under review, the Government provided information on this case, reiterating its previous reply of 6 December 1994 that, despite minute investigations conducted by the competent authorities at the time, they were unable to identify the person concerned or to identify a case of disappearance in the place and on the date in question. The lengthy investigation seems to indicate that the case is unfounded and, hence, there is no justification for its continuance on the agenda of the Group. The Government further reiterated that, under national legislation, the practice of enforced or involuntary disappearance is severely punishable and that, had the allegation been confirmed, the law would have been rigorously applied. In respect of this one outstanding case, the Working Group is unable to report on the fate and whereabouts of the person concerned.

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* Anuar Zainal Abidin did not participate in the decisions relating to this subsection of the report.

Mexico

211. During the period under review, the Working Group transmitted two new cases of disappearance to the Government of Mexico, both of which occurred in 2001 and were sent under the urgent action procedure.

212. The majority of the 365 reported cases of disappearance occurred between 1974 and 1981. Ninety-eight of those cases took place in the context of rural guerrilla warfare that was waged in the mountains and villages of the State of Guerrero during the 1970s and early 1980s. Twenty-one other cases occurred in 1995, mostly in the States of Chiapas and Veracruz; the majority of the persons concerned were members of several Indian, peasant and political organizations.

213. One of the newly reported cases occurred in the city of Morelia, Michoacan State, and concerns a student who was allegedly abducted by the state police and who had previously received intimidating telephone threats from anonymous callers who had ordered him to stop his protests. Reportedly, in November 2000, he had been briefly detained by the State police on his way home from a student meeting. The other case concerns a person who was reportedly arrested without a warrant by State judicial police officers and taken away from his home.

214. During the period under review, the Mexican National Commission on Human Rights provided information on 16 outstanding cases of disappearance. In 14 cases, it reported that the persons concerned had been killed in January 1994 during clashes between the Zapatista National Liberation Army (EZLN) and the Mexican army in the municipality of Ocosingo, Chiapas State, and that their bodies were buried in the common grave in the municipal cemetery of Tuxtla Gutiérrez, Chiapas. For all the cases, photographs of the bodies and copies of the death certificates were provided. The Working Group decided to apply the six-month rule to these 14 cases. With regard to another case, the Commission reported that an application had been filed with the military court against four military officers on charges of crimes against health and bribery, breach of duty and/or abuse of office. As far as civil courts were concerned, a statement on the alleged disappearance had been forwarded by the Office of the Procurator-General of Chihuahau State to the special unit to combat organized crime within the Office of the Procurator-General of the Republic, the investigation having revealed the perpetration of acts that come within the jurisdiction of the federal courts. For one other case, the Commission provided information on the investigations under way to locate the person concerned and said that once further information became available, it would be brought to the attention of the Working Group. During the same period, the Commission also provided information on several other cases, as well as on the latest procedures applied in the investigation of certain outstanding cases.

215. In the past, the Working Group discontinued 16 cases and clarified 137 cases, of which 119 were clarified on the basis of information provided by the Government and 18 on the basis of information provided by the source. During the period under review, the Working Group clarified three cases on the basis of information previously provided by the Government that the persons concerned were either detained and released, living at liberty, or a death certificate had been issued, and on which the source had not made observations within the six-month period. The Working Group also clarified one other case on the basis of the

information provided by the source in which it was reported that the person had shown up after 27 days of forced disappearance and had stated at a press conference that he had been abducted, tortured and subjected to various interrogations about the student movement. In respect of 212 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Observations

216. The Working Group expresses its appreciation to the Government of Mexico for the cooperation that it received during the period under review and for the positive results achieved by the investigations carried out by the National Commission of Human rights, which have helped to clarify 119 cases.

217. However, in view of the fact that new cases continue to be reported, it is necessary to stress the urgency of taking, in accordance with article 3 of the Declaration, effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance.

218. The Working Group also wishes to stress the need for more effective measures to clarify the so-called "old cases" which occurred in the 1970s, and reminds the Government of Mexico of its continuous responsibility to conduct thorough and impartial investigations into cases of disappearance for as long as the fate of the victim remains unclarified, in accordance with article 13 of the Declaration.

Morocco

219. During the period under review, the Working Group transmitted two new cases to the Government of Morocco.

220. The majority of the 249 cases of disappearance reported to the Working Group occurred between 1972 and 1980. Most of them concern persons of Saharan origin who were reported to have disappeared in territories under the control of the Moroccan forces because they or their relatives were known or suspected supporters of the Polisario Front. Students and better-educated Saharans were reported to have been particularly targeted. In some instances, disappearances allegedly followed the mass arrest of persons after demonstrations or before visits of prominent persons or officials from other countries. The disappeared persons were reportedly confined in secret detention centres, such as Laayoune, Qal'at M'gouna, Agdz and Tazmamart. Cells in some police stations or military barracks and secret villas in the Rabat suburbs were also allegedly used to hide the disappeared.

221. The newly reported cases concern a political activist and a student, whose disappearance occurred in 1964 and 1975, respectively. In the first case, the person had been allegedly arrested previously in 1954 and condemned to death by the military justice court of Casablanca for complicity in threatening public security, voluntary destruction of trains and buildings, and murder. In the second case, three governmental agents had allegedly visited the family home four years after his disappearance to gather information on him.

222. In the past, the Working Group clarified 143 cases, of which 88 were clarified on the basis of information provided by the Government and 46 others on the basis of information provided by the source. Despite the release in 1991 of a large group of disappeared prisoners, many other Western Saharans remain unaccounted for, and their families are reportedly still pursuing their inquiries with the Moroccan authorities and detention centres. No new information was received from the Government with regard to 115 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Observations

223. The Working Group understands the difficulties involved in gathering the information necessary to determine the whereabouts of victims of enforced disappearances that occurred many years ago, but the 115 outstanding cases that are still unelucidated remain a matter of serious concern. The Group wishes to remind the Government of its obligation under article 13 of the Declaration to continue to conduct investigations for as long as the fate and whereabouts of the victims of enforced disappearance remain unclarified.

Mozambique

224. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Mozambique.

225. The two previously reported cases occurred in 1974. One concerns a doctor, who was allegedly arrested in a hotel in Blantyre, Malawi, and taken first to Mozambique and then to the southern part of the United Republic of Tanzania. It is believed that he was transferred to Niassa Province, Mozambique. The other case also concerns a doctor who was allegedly arrested at his home in Matola and imprisoned, first at the headquarters of Frelimo troops in Boane and later in Maputo.

226. Despite several reminders, no information has ever been received from the Government with regard to these two outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the persons concerned.

Namibia

227. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Namibia.

228. The only case reported to the Working Group occurred in 1999 and concerns a member of the Namibian National Society for Human Rights, who was allegedly detained following the imposition of a state of emergency in the Caprivi region and taken to an unknown destination.

229. Despite several reminders, no information has ever been received by the Working Group from the Government on this one outstanding case. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Nepal

230. During the period under review, the Working Group transmitted 57 new cases to the Government of Nepal, of which 4 occurred in 2001; 16 cases were sent under the urgent action procedure.

231. The majority of the 108 reported cases of disappearance allegedly occurred since 1998, after police operations were initiated in May 1998 against members of the so-called Maoist Communist Party of Nepal, which had reportedly declared a "people's war" in February 1996. The victims include the Chairman of the Gorkha District Bar Association, a member of the Forum for the Protection of Human Rights, and a member of the Nepal Bar Association. In all the cases the police was mentioned as the responsible force.

232. The majority of the newly reported cases occurred between 1998 and 2001, in the context of police operations against members of the so-called Maoist Communist Party in Nepal. Of these, 16 cases occurred in December 2000 and concern members of the All Nepal National Free Students Union (ANNFSU) who were reportedly arrested in their office and taken to the Hanuman Dhoka police station in Kathmandu, but whose detention was denied by the police. Subsequently, the Working Group clarified the 16 cases on the basis of information provided by the source that the persons had been remanded in custody at the central jail, Kathmandu, since none was in a position to pay the bail required for release. The Government confirmed this information. The source also reported that the families and the National Human Rights Commission have been allegedly denied access to the detainees, and that there is fear of torture. The Working Group transmitted these cases to the Special Rapporteur of the Commission on Human Rights on the question of torture.

233. The Working Group has clarified a total of 21 cases, of which 3 were clarified on the basis of information provided by the Government and 18 on the basis of information provided by the source. In respect of the 87 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Observations

234. The Working Group wishes to thank the Government for the information that it has submitted during the period under review. However, the Working Group is deeply concerned that disappearances have continued in such alarming numbers during 2001.

235. The Working Group wishes to remind the Government of the urgency of taking "effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance", in accordance with article 3 of the Declaration. It also reminds the Government of its continuous responsibility to conduct thorough and impartial investigations "for as long as the fate of the victim of enforced disappearance remains unclarified", in accordance with article 13 (6) of the Declaration, and to bring the perpetrators to justice.

Nicaragua

236. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Nicaragua.

237. Most of the 234 cases transmitted to the Government occurred between 1979 and 1983, in the context of the internal armed conflict which took place during the 1980s. Many of the reports of these disappearances pointed to the involvement of members of the army, the former Sandinista Government, the former General Directorate for the Security of the State and the Frontier Guard. Two cases, however, reportedly occurred in 1994: one concerns a farmer who was allegedly detained by a group of members of the army and the police, and the other concerns a person allegedly accused of being a member of the Recontras armed group.

238. During the period under review, the Government reiterated its commitment to cooperate with the Working Group in the investigation and clarification of all outstanding cases, despite the difficulties it was facing in carrying out these tasks in a prompt manner owing to the current lack of resources.

239. In the past, the Working Group clarified 131 cases, of which 112 were clarified on the basis of information provided by the Government and 19 others on the basis of information provided by the source. In a majority of cases clarified on the basis of information provided by the Government, the persons concerned were either dead or living at liberty at the address that was provided. In respect of the 103 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Observations

240. The Working Group continues to be concerned that little has been done to clarify the more than 100 outstanding cases. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct investigations thoroughly and impartially for as long as the fate of the victim remains unclarified.

241. The Working Group wishes to remind the Government of Nicaragua of its obligation to take all measures necessary to prevent further cases of disappearance and to investigate all outstanding cases and bring the perpetrators to justice.

Nigeria

242. During the period under review, no new cases were transmitted by the Working Group to the Government of Nigeria.

243. Of the six cases of disappearance reported to the Working Group, five occurred between 1992 and 1995 in Lagos and concern two members of the Campaign for Democracy coalition, two publishers and a lawyer who were allegedly arrested by the security forces. One case is reported to have occurred in 1998 and concerns a human rights activist who was allegedly arrested at Murtala airport in Lagos by security forces.

244. In the past, the Working Group clarified five cases on the basis of information provided by the Government. In all the cases, the persons concerned were living at liberty at the address that was provided. No new information was received from the Government with regard to the one outstanding case. The Working Group is, therefore, unable to report on the fate and whereabouts of the person concerned.

Pakistan

245. During the period under review, the Working Group transmitted to the Government of Pakistan three new cases, all of which reportedly occurred in 2001 and were sent under the urgent action procedure.

246. The majority of the 83 cases of reported disappearance in Pakistan concerned members or sympathizers of the political party Muhajir Qaomi Movement (MQM), who were allegedly arrested in Karachi by the police or security forces during 1995. Most of the other reported cases allegedly occurred in 1986 and between 1989 and 1991, and concerned persons of Afghan nationality with refugee status in Pakistan, most of whom were said to have been affiliated with the Harakate Inghilabe Islami party of Afghanistan. The abductions reportedly took place in Peshawar, North West Frontier Province, by persons belonging to a rival party, the Hezb-e-Islami Afghanistan, which was alleged to be acting with the acquiescence of the Pakistani authorities. Four other cases reportedly occurred in 1996 and concerned members of the same family who were reportedly abducted from their home in Islamabad by agents of the military intelligence.

247. The newly reported cases concern MQM workers who were allegedly arrested by police and paramilitary rangers in Sindh Province and whose whereabouts the authorities have refused to disclose.

248. During the period under review, the Government provided information on 28 outstanding cases. With regard to four cases, the Government reported that the persons were either arrested and then acquitted by a competent court, in custody and facing trial, or living at home. In three cases, the persons had been arrested and released. In three cases, the family was no longer residing at the address that had been provided. With regard to the disappearance of a former Mujahid commander from Afghanistan, the Government had pursued all leads without any results so far. With regard to 15 other cases concerning Afghan refugees reportedly abducted in 1990 from the Pashayee refugee camp, Peshawar, by the Hezb-e-Islami Afghanistan Party, acting with the acquiescence of the Pakistani Government, the local authorities were facing difficulties in tracing their whereabouts. Various organizations and political movements, known as Tanzeemat, were operating in the border area with Afghanistan. Sometimes they were involved in kidnapping people and taking them back to Afghanistan through the porous border. In most instances, the cases were not registered with the local police. Nevertheless, the local authorities are pursuing their investigations and any progress will be reported to the Working Group. The Working Group was unable to clarify any of these cases, but decided to apply the six-month rule in respect of four cases.

249. In the past, the Working Group clarified five cases, of which one was clarified on the basis of information provided by the Government and four on the basis of information provided by the source. In respect of the 78 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Paraguay

250. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Paraguay.

251. The 23 cases of disappearance reported to the Working Group occurred between 1975 and 1977 under the Government of President Alfredo Stroessner. Several of the disappeared persons were members of the Communist Party, including its Secretary-General. Although disappearances took place in the capital, Asunción, the majority of the cases affected the rural population and were carried out in the districts of San José, Santa Helena, Piribebuy and Santa Rosa.

252. In the past, the Working Group clarified 20 cases on the basis of information provided by the Government, of which 19 of the persons concerned were reported to be living in liberty and 1 person was reported to have died. No new information was received from the Government with regard to the three outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Peru*

253. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Peru.

254. The vast majority of the 3,006 cases of reported disappearances in Peru occurred between 1983 and 1992 in the context of the Government's fight against, in particular, the Communist Party of Peru, Shining Path (Sendero Luminoso) and the Tupac Amaru Revolutionary Movement (MRTA). In late 1982, the armed forces and police undertook a counter-insurgency campaign and the armed forces were granted a great deal of latitude in fighting Sendero Luminoso and restoring public order. The majority of reported disappearances took place in areas of the country that had been under a state of emergency and were under military control, in particular in the Departments of Apurimac, Ayacucho, Huancavelica, San Martín and Ucayali. Detentions were frequently carried out openly by uniformed members of the army and the navy infantry, sometimes together with civil defence groups.

255. Since the end of the Government of Alberto Fujimori, the transitional Government has undertaken the organization of investigations into human rights violations and corruption and has restored the independence of the judiciary. Nationally and internationally supervised elections were held in the country, which resulted in the election of Alejandro Toledo as President of Peru

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* Diego Garcia-Sayán did not participate in the decisions relating to this subsection of the report.

until July 2006. On 22 January 2001 the administrative jurisdiction of the Inter-American Court of Human Rights was again recognized and the Peruvian State began to enforce judgements of the Inter-American Court of Human Rights. In addition, the Government of Peru has ratified a number of new human rights treaties, repealed the controversial amnesty law and established a Truth Commission of independent experts to identify and investigate human rights violations that occurred between May 1980 and November 2000.

256. During the period under review, the Government reported on the establishment of the Truth Commission on 4 June 2001, the main objective of which was to shed light on the processes and facts relating to terrorist violence and human rights violations, in particular enforced disappearance, and to identify those responsible for such violations between May 1980 and November 2000. The Government provided a copy of the law under which the Truth Commission had been established (*Decreto Supremo 65-2001-PCM*).

257. In the past, the Working Group clarified 638 cases, of which 253 were clarified on the basis of information provided by the Government and 385 on the basis of information provided by the source. In respect of the 2,368 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Observations

258. The Working Group welcomes the changes presently taking place in Peru, which may lead to an end to impunity and to the clarification and establishment of the fate and whereabouts of the more than 2,000 disappeared persons. Particularly important is the establishment of the Truth Commission.

259. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct impartial and effective investigations into all alleged cases of disappearance until the fate and whereabouts of the victims are established beyond a reasonable doubt and to guarantee a prompt and effective judicial remedy to prevent disappearances, in accordance with article 9 of the Declaration.

Philippines

260. During the period under review, the Working Group transmitted four new cases of disappearance to the Government of the Philippines which occurred in 2001, of which two were sent under the urgent action procedure.

261. The majority of the 658 cases of disappearance reported in the past occurred in the late 1970s and early 1980s virtually throughout the country, and took place in the context of the Government's anti-insurgency campaign. During the period 1975-1980, those concerned were reportedly farmers, students, social workers, members of Church groups, lawyers, journalists and economists, among others. The arrests were allegedly carried out by armed men belonging to identified military organizations or to a police unit such as the Philippine Constabulary, the Central Intelligence Unit, the military police and other organizations. In the following years, reported cases of disappearance concerned young men living in rural and urban areas, described as members of legally constituted student, labour, religious, political or human rights

organizations which the military authorities have claimed are fronts for the outlawed Communist Party of the Philippines (CPP) and its armed wing, the New People's Army (NPA). Among the groups most commonly targeted were said to be KADENA (Youth for Democracy and Nationalism) and the National Federation of Sugar Workers. One case, which reportedly occurred in 1995, concerned a health worker who disappeared in Mindanao; another case, which is said to have taken place in 1996, concerned a farmer who was allegedly arrested while travelling in an area where the Philippine army is said to have been conducting military operations against suspected NPA rebels. Despite the peace talks initiated by the Government with several opposition movements, disappearances have continued to occur in the 1990s, mainly in the context of action by the security forces against NPA, the Moro National Liberation Front, the Mindanao Islamic Liberation Front, the Citizen Armed Forces Geographical Units and the Civilian Volunteer Organizations.

262. The newly reported cases concern a coordinator of Bayan Muna, a political party, who was allegedly arrested by unidentified military personnel in Laguna, another person who was allegedly abducted in Quezon by armed men believed to be members of the Philippine army, and two suspected rebels who were reportedly apprehended in Mindoro Oriental by members of the 18th Company Scout Rangers of the Philippine army.

263. In the past, the Working Group clarified 157 cases, of which 124 were clarified on the basis of information provided by the Government and 33 others on the basis of information provided by the source. No new information was received from the Government with regard to the 505 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Observations

264. The Working Group continues to be concerned that little has been done by the Government to clarify the more than 500 outstanding cases and that no information has been received from the Government during 2001 regarding these cases. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct thorough and impartial investigations for as long as the fate of the victim remains unclarified.

265. The Working Group wishes to express its hope that the Government and the relatives will take steps to clarify the outstanding cases and, if applicable, implement the provisions of article 19 of the Declaration, which entitles the victims and relatives to compensation.

Russian Federation

266. During the period under review, the Working Group transmitted to the Government of the Russian Federation one new case, which reportedly occurred in 2001 and was sent under the urgent action procedure.

267. The majority of the 211 cases transmitted in the past concerns persons of ethnic Ingush origin who reportedly disappeared in 1992 during the fighting between the ethnic Ossetians and the Ingush. A large number of other cases are reported to have occurred in Chechnya, the majority in late 1994 and early 1995. The Russian military forces were allegedly responsible.

268. The newly reported case concerns a community leader and co-chair of the Russian-Chechen Friendship Society based in Nizhny Novgorod who was allegedly detained by Russian security forces on his way from the town of Karabulak to the village of Yandare in Ingushtia, and later taken to an unknown destination. It is reported that this is the third time in four months that he has been detained, and that he had complained about continuous harassment by the Federal Security Service (FSB) and had expressed fear that his life was in danger.

269. During the period under review, the Government provided information on one outstanding case, which concerns the speaker of the parliament of the Republic of Chechnya of the Russian Federation. The Government stated that investigations were being conducted by the Office of the Procurator-General of the Russian Federation, central and local agencies of the FSB, the Ministry of Internal Affairs and the Ministry of Justice. The requisite investigative actions and police inquiries are continuing, but, to date, it has not been possible to identify any persons involved in the disappearance or to elucidate the whereabouts of the person concerned.

270. In the past, the Working Group clarified one case on the basis of information provided by the source. In respect of 211 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Observations

271. The Working Group wishes to thank the Government of the Russian Federation for the information that it has provided during the period under review. Nevertheless, it remains deeply concerned that only one of the 212 cases reported to it has been clarified. In this connection, it would like to remind the Government that all persons deprived of liberty shall be held in an officially recognized place of detention and have prompt access to family members, legal counsel and judicial authorities, in accordance with articles 9 and 10 of the Declaration. In addition, the Government has an obligation, under articles 13 and 14, to carry out prompt, thorough and impartial investigations into alleged cases of enforced disappearance and to bring the perpetrators to justice.

Rwanda

272. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Rwanda.

273. Most of the 21 cases reported to the Working Group occurred between 1990 and 1996, of which 5 occurred in 1990 and 1991 in the north of the country, in the context of the ethnic conflict between Tutsis and Hutus. Among those reported to have disappeared are students from the Seventh-Day Adventist University in Mudende, who were suspected of supporting the Rwandese Popular Front, the mayor of Nyabikenke, a journalist who worked for the Rwandan national television station, a mechanic from Kigali who was reportedly arrested by soldiers of the Rwandese Patriotic Army, and the manager of a soap factory who had lodged foreign employees of the International Committee of the Red Cross at his home. One case concerns a citizen of the Democratic Republic of the Congo who was reportedly arrested at the border between Rwanda and Uganda. Forces alleged to be responsible are the armed forces, the gendarmerie nationale and soldiers of the Rwandese Patriotic Army. Eighteen Rwandan refugees were also reported to

have disappeared in 1998 in the Democratic Republic of the Congo, following their alleged abduction by the Tutsi military in Kisangani. Another case concerns a professor who was allegedly arrested by members of the Rwandan Patriotic Army. (See also under section on the Democratic Republic of the Congo.)

274. In the past, the Working Group clarified two cases on the basis of information provided by the source. Despite a number of reminders, no information has ever been received by the Working Group from the Government regarding the 19 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Saudi Arabia

275. During the period under review, the Working Group transmitted to the Government of Saudi Arabia one new case of disappearance.

276. The two cases of disappearance reported to the Working Group in the past concern a businessman who was allegedly arrested in Amman in 1991 by Jordanian security forces and later handed over to Saudi Arabian authorities, and a university lecturer at King Saud University, after whose disappearance his residence was reportedly searched by security service officers and his bank account frozen. His wife and children were allegedly banned from travelling outside the country.

277. The newly reported case occurred in 1997 and concerns a contractor, a citizen of Pakistan, who disappeared in Jeddah while shopping with a companion. It is alleged that a government secret service agency and the person's sponsor may have been responsible for the abduction.

278. In the past, the Working Group clarified one case on the basis of information provided by the source. No new information was received from the Government with regard to the two outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Seychelles

279. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Seychelles.

280. The three reported cases of disappearance allegedly occurred on the main island of Mahé in the years 1977 and 1984. All three persons were allegedly abducted shortly after they left their homes by persons believed to belong to the security forces. At least two of the persons were reportedly known opponents of the Government.

281. Despite a number of reminders, no information has ever been received by the Working Group from the Government regarding the three outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Sri Lanka

282. During the period under review, the Working Group transmitted to the Government of Sri Lanka 20 new cases of disappearance, 2 of which reportedly occurred in 2001; 1 case was sent under the urgent action procedure.

283. The 12,297 reported cases of disappearance are alleged to have occurred in the context of two major sources of conflict in that country: the confrontation of Tamil separatist militants and government forces in the north and north-east of the country, and the confrontation between the People's Liberation Front (JVP) and government forces in the south. Between 1987 and 1990, the disappearances occurred mostly in the Southern and Central Provinces of the country, during a period in which both security forces and JVP resorted to the use of extreme violence in the contest for State power. The cases reported to have occurred since 11 June 1990, the date of resumption of hostilities with the Liberation Tigers of Tamil Eelam (LTTE), have taken place primarily in the Eastern and North-Eastern Provinces of the country.

284. The newly reported cases include a group of nine farmers who were allegedly abducted by the armed forces from a rice field in Polannaruwa, seven persons who were reportedly abducted or detained from public places in various parts of the country, and two persons who disappeared from military camps in Vavuniya.

285. The Working Group undertook three field missions to Sri Lanka, in 1991, 1992 and 1999. Following its visits, the Working Group recommended to the Government of Sri Lanka that an independent body be established with the task of investigating all cases of disappearance which had occurred since 1995 and to speed up its efforts to bring the perpetrators of enforced disappearances to justice. The Working Group also recommended the setting up of a central register of detainees as provided for in article 10 (3) of the Declaration. It also pointed out that all families of disappeared persons should receive the same amount of compensation and that the procedure for issuing death certificates in cases of disappearances should be applied in an equal and non-discriminatory manner. The Working Group further noted that the Prevention of Terrorism Act and the Emergency Regulations have not been abolished or harmonized with internationally accepted standards of human rights, and recommended that the prohibition of enforced disappearance be included as a fundamental right in the Constitution of Sri Lanka.

286. The Government has, according to its records, so far provided information in respect of 11,673 outstanding cases, of which 4,063 were sent during the period under review. The majority of these cases are still under consideration by the Working Group and the sources. In respect of a number of cases, the Government replied that death certificates had been issued and/or compensation granted or was in the process of being granted. With regard to the remaining cases, the Government replied as follows: it was unable to trace the persons concerned because the addresses that had been provided were incorrect or unclear, or because the family had left the area; no such person had disappeared from the address provided; cases were pending in courts of law; family members had not requested or had declined death certificates or compensation; the persons were reported to be alive; the disappearance had not been reported to any government authority.

287. In the past, the Working Group clarified 572 cases, of which 533 were clarified on the basis of information provided by the Government and 39 on the basis of information provided by the source. During the period under review, the Working Group was able to clarify a total number of 4,390 cases on the basis of the information previously received from the Government, on which no objection was received from the source.

Observations

288. The Working Group wishes to express its appreciation to the Government of Sri Lanka for the amount of information that it is providing and for its efforts to investigate and clarify the fate of the many thousands of persons who disappeared in the past. This has led to the clarification this year of more than 4,000 cases, which is the highest number of clarifications ever achieved by the Working Group, and was made possible only by the concerted efforts of the Government, the families and non-governmental organizations, with the assistance of the Working Group. The Working Group wishes to express its hope that this process will continue and lead to many more cases being clarified.

289. However, in view of the fact that new cases continue to be reported, it is necessary to stress the urgency of taking, in accordance with article 3 of the Declaration, effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance.

290. The Group wishes to remind the Government of its obligations under article 10 of the Declaration to hold persons deprived of liberty only in officially recognized places of detention, to bring them promptly before a judicial authority and to make available promptly accurate information on the detention of such persons to their family members, their legal counsel, or to any other persons having a particular interest.

Sudan

291. During the period under review, the Working Group transmitted one new case of disappearance to the Government of the Sudan, which occurred in 2001 and was sent under the urgent action procedure.

292. The majority of the 267 reported cases of disappearance concern 249 villagers who were allegedly abducted from the village of Toror in the Nuba Mountains in 1995 by the armed forces of the Government of the Sudan. It is suspected that the villagers were taken to a Government-controlled "peace camp".

293. The newly reported case concerns a member of the Sudanese Communist Party, who was allegedly arrested at his home in Khartoum by security forces and taken away to an unknown destination. He had reportedly been arrested four times previously and had spent a total of over two years in prison.

294. During the period under review, the Working Group met with representatives of the Government of the Sudan, including a representative of the Ministry of Interior Affairs and member of the Advisory Council of Human Rights, as well as representatives of the Ministry of

Justice, and engaged in an exchange of views with regard to the outstanding cases of 261 persons who allegedly disappeared from Toror village. The representatives reiterated the information that the Government had previously provided and which was contained in the reports on field visits to the area carried out in 1996 and 1997 by a special committee that had been established to investigate cases of disappearance. During those visits, the committee had met with and interviewed 52 persons who had allegedly disappeared. The persons had stated that none of them had been abducted, but had moved to the peace villages voluntarily. They had also provided information on the fate and whereabouts of the remaining persons whose disappearance had been reported to the Working Group, which was also confirmed by local chiefs and dignitaries. The Government had also provided the Working Group with photographs and video recordings of the interviews, as well as with the names and addresses of persons through whom the persons concerned could be contacted. The representatives further reported that the aim of the allegations made to the Working Group had been to pressure the Government to suspend its peace programmes that entailed the rehabilitation of villages for the returnees or the establishment of new settlements for those whose areas were still under the control of the rebel forces.

295. Based on this information, the Working Group decided to apply the six-month rule in respect of 192 of the 262 outstanding cases. In the past, the Working Group clarified five cases, of which two were clarified on the basis of information provided by the Government and three on the basis of information provided by the source.

Observations

296. The Working Group wishes to thank the Government of the Sudan for the information that it has submitted during this year. However, in view of the fact that new cases continue to be reported, it is necessary to stress the urgency of taking, in accordance with article 3 of the Declaration, effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance.

297. The Working Group reminds the Government of its obligation, under article 13 of the Declaration to conduct impartial and effective investigations into alleged cases of disappearance until the fate and whereabouts of the victims are established beyond a reasonable doubt. It also reminds the Government that, under article 14, the perpetrators should be brought to justice and that, in accordance with article 19, all victims of acts of enforced disappearance and their families shall obtain redress and shall have the right to adequate compensation.

Syrian Arab Republic

298. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of the Syrian Arab Republic.

299. Most of the 35 cases of disappearance reported to the Working Group occurred between 1980 and 1993, for which the security forces or military intelligence were allegedly responsible. The victims included, among others, students, medical doctors and military personnel. In 11 cases, the persons concerned were allegedly arrested at home during the period of mourning following the death of General Jalah Jadidit. Two cases concern Jordanian

nationals and another concerns a citizen of Lebanon. Other cases concern persons who were allegedly members of terrorist groups; others were reportedly members of the military or civilians. In the past, concern was expressed to the Working Group about the whereabouts of both Lebanese citizens and stateless Palestinians who were reported to have disappeared in Lebanon, but for which the Government of the Syrian Arab Republic was allegedly responsible.

300. In the past, the Working Group clarified 27 cases, of which 13 were clarified on the basis of information provided by the Government and 14 on the basis of information provided by the source. No new information was received from the Government with regard to the eight outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Tajikistan

301. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Tajikistan.

302. Two of the eight cases previously reported to the Working Group concerned brothers of Badakhshani ethnic origin who reportedly ran a business in the city of Khusan. One of the brothers, whose whereabouts are still not known, is said to have been a member of the last parliament of the Soviet Union. Six other cases are alleged to have occurred between late 1992 and July 1993 in the context of the escalating civil war when pro-Government forces took over the capital of Dushanbe.

303. In the past, the Working Group clarified two cases on the basis of information provided by the source. Despite several reminders, no information has ever been received by the Working Group from the Government on the six outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Thailand

304. During the period under review, the Working Group transmitted 32 new cases of disappearance to the Government of Thailand, none of which occurred in 2001.

305. The two cases reported to the Working Group in the past occurred in 1992 and concern citizens of Myanmar who were allegedly arrested on suspicion of being illegal immigrants and taken to the local police station, from where they subsequently disappeared.

306. Of the newly reported cases, 31 reportedly occurred in May 1992 during a violent crackdown by security forces on pro-democracy demonstrations in central Bangkok, following the appointment of General Suchinda Khraprayoon as Prime Minister on 7 April 1992. One other case reportedly occurred on 19 June 1991 and concerns the President of the Labour Congress of Thailand (LTC), who disappeared from his union office in Bangkok three days after organizing a protest rally. It is alleged that army personnel, acting under the direction of General Khraprayoon, may have taken him to a safe house in Thonburi Province at Wat Yai Rom, where he was killed, and then transferred the body to a military compound in Kanchanaburi Province.

307. During the period under review, no new information was received from the Government of Thailand with regard to the 34 outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

Togo

308. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Togo.

309. Most of the 11 reported cases of disappearance concern persons who were allegedly detained in 1994 by members of the armed forces at Adetikope on their way to Lomé to visit relatives of the Secretary-General of the Togolese Drivers' Trade Union, who had reportedly been injured in a car accident. One other case concerned a civil servant who was reportedly the adviser to the President of the High Council of the Republic between 1991 and 1993 and who is said to have been abducted from his car in the Lomé suburb of Aguényié and taken to an unknown destination by three men in a minibus, followed by a military vehicle. The other victims were a man arrested by the police and taken to the central commissariat in Lomé, from where he disappeared a few days later; a farmer abducted from his home by armed men and taken to an unknown destination; and a businessman abducted from his home by five men in military fatigues.

310. During the period under review, the Government provided information on 10 outstanding cases. With regard to all cases, the judiciary, the defence authorities and the national police had been seized with the request to elucidate the whereabouts of the persons concerned. The Government drew attention to the fact that the events occurred during the period of transition to democracy, which was essentially characterized by a climate of generalized insecurity. However, investigations are continuing and the Government expressed its will to clarify the cases.

311. In the past, the Working Group clarified one case on the basis of information provided by the source. Despite several reminders, no information has ever been received by the Working Group from the Government on the 10 outstanding cases. The Working Group is, therefore, still unable to report on the fate and whereabouts of the persons concerned.

Turkey

312. During the period under review, the Working Group transmitted three new cases of disappearance to the Government of Turkey, which reportedly occurred in 2001 and were sent under the urgent action procedure.

313. The majority of the 177 cases of disappearance reported to the Working Group in the past reportedly occurred in south-eastern Turkey, in areas where a state of emergency was in force, and concern members of the Kurdish minority, in particular members or supporters of the PKK.

314. The three newly reported cases concern members of the legal pro-Kurdish People's Democratic Party (HADEP), of whom one is the head of the Silopi district branch and another his secretary. In those two cases, the persons concerned allegedly disappeared after reporting to

the local Silopi district gendarmerie where they had been summoned. The other case concerns a student who was reportedly brought before a judge and remanded to Diyarbakir prison, but whose detention had been denied by prison authorities.

315. Following its field mission to Turkey in 1998, the Working Group expressed the view that, although the total number of cases transmitted to the Government was relatively low, they deserved particular attention with a view to improving the practices and behaviour of the security forces. It recommended that, in this connection, the Government of Turkey should establish rules and regulations for the conditions under which officials are authorized to detain persons. The adoption of appropriate legislation to make all acts of enforced disappearance a crime under Turkish law was strongly recommended. The Government of Turkey was also requested to strengthen its cooperation with non-governmental organizations and organizations of relatives and to take appropriate measures to provide sufficient guarantees for the performance of their activities.

316. During the period under review, the Government provided information on 13 outstanding cases. For two cases, the Government replied that the body of the person concerned had been found in a villa belonging to the illegal terrorist organization Hizbullah and that the body had been identified by the family. In one case, the person had been arrested on court order and sent to Kocaeli prison. The Working Group decided to apply the six-month rule in respect of these cases. With regard to 10 other cases, the Government reported that either the person had left the country, had been kidnapped and killed by the Hizbullah, was never taken into custody and a decision not to prosecute was issued, or that investigations are continuing. The Working Group was unable to clarify these cases.

317. In the past, the Working Group clarified 84 cases, of which 36 were clarified on the basis of information provided by the Government and 48 on the basis of information provided by the source. In respect of the 96 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Observations

318. The Working Group wishes to express its appreciation to the Government of Turkey for the information provided during the period under review. However, in view of the fact that new cases continue to be reported, it is necessary to stress the urgency of taking, in accordance with article 3 of the Declaration, effective legislative, administrative, judicial or other measures to prevent and to terminate acts of enforced disappearance.

319. The Group wishes to remind the Government of its obligation under article 13 of the Declaration to continue to conduct investigations for as long as the fate and whereabouts of the victims of enforced disappearance remain unclarified.

Uganda

320. During the period under review, no new cases were transmitted by the Working Group to the Government of Uganda.

321. Of the 61 reported cases of disappearance, 20 occurred between 1981 and 1985. These reported arrests or abductions occurred throughout the country and in one case the person was allegedly abducted while in exile in Kenya and taken to Kampala. One case concerned the 18-year-old daughter of an opposition member of the Ugandan Parliament. The arrests are said to have been made by policemen, soldiers or officials of the National Security Agency. Thirty-eight cases that occurred in 1996 concerned two groups of girls and boys from two different schools, who were reported to have been abducted by members of the Lord's Resistance Army, a group allegedly supported by the Government of the Sudan. Three other cases occurred in 1998, one of which concerns a former magistrate who was a recognized refugee. He was reportedly arrested in Kampala by alleged Ugandan police officers. Another case concerns a lawyer providing defence counsel to persons accused of genocide in the context of a project set up by a non-governmental organization. He is said to have been previously arrested and tortured because of his activities. One other case concerns an 11-year-old girl who was abducted by members of the Lord's Resistance Army in the presence of her mother.

322. In the past, the Working Group clarified seven cases, of which two were clarified on the basis of information provided by the Government and five on the basis of the information provided by the source. No new information was received from the Government with regard to the 54 outstanding cases. The Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Ukraine

323. During the period under review, no new cases of disappearance were transmitted by the Working Group to the Government of Ukraine.

324. Three of the four cases of disappearance occurred in 1995 and concern two brothers and a friend who were allegedly arrested in Simpherolol, Crimea, by members of the security forces.

325. During the period under review, the Government of Ukraine provided information on one outstanding case: a body found in the forest of Tarascha district had been identified as that of the victim, but investigations were continuing. The Government provided detailed information on the various actions taken to identify the body. In respect of the four outstanding cases, the Group is unable to report on the fate and whereabouts of the persons concerned.

Uruguay

326. During the period under review, in accordance with its methods of work the Working Group sent to the Government of Uruguay a copy of a case concerning a child who is reported to have disappeared in Argentina in 1976. (See also section on Argentina.)

327. The majority of the 31 reported cases of disappearance occurred between 1975 and 1978 under the military Government, in the context of its fight against alleged subversion. It should be noted that the Working Group has received no reports of disappearances in Uruguay after 1982.

328. The new case sent to the Government of Uruguay occurred in 1976 in Argentina and concerns the son of a Uruguayan refugee in Argentina. At the time, her 20-day-old child was allegedly taken away from her when she was arrested during a joint operation by the Argentine and Uruguayan police forces. Members of the Uruguayan police who had allegedly participated in the joint operation were reported to be still living at liberty in Uruguay.

329. During the period under review, the Government of Uruguay provided information on its efforts to clarify the outstanding cases. It reiterated its commitment to continuing its efforts to clarify these cases, and reported on the work of the Uruguayan Commission for Peace, which was established by Presidential Decision No. 858 of 9 August 2000 with the specific task of receiving, analysing, sorting and compiling information on enforced disappearances which occurred under the de facto regime that ruled from 1973 to 1984. The Government emphasized that the Commission considers a case "clarified" when it has been possible to determine all the circumstances leading to its conclusion (even if no remains have been found) on the basis of extensive and consistent substantiating evidence. On 9 August 2001, the Commission issued a report on its first year of operation which describes the results achieved and announces the Commission's intention to continue its work.

330. In the past, the Working Group clarified eight cases, of which seven were clarified on the basis of information provided by the Government and one on the basis of the information provided by the source. In respect of the 23 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

Uzbekistan

331. During the period under review, the Working Group transmitted one new case of disappearance to the Government of Uzbekistan.

332. Of the 11 cases of disappearance reported to the Working Group in the past, two concern an Islamic religious leader and his assistant who were reportedly detained in August 1995 by the National Security Service in Tashkent as they were waiting to board an international flight. The third case concerns the leader of the Islamic Renaissance Party, reportedly an unregistered political party, who was allegedly arrested in 1992 by men believed to be government agents.

333. The newly reported case occurred in March 2000 and concerns the Chairman of the State joint-stock company Uzkhleboproduct, who allegedly left for a meeting of Cabinet ministers and failed to return home. Subsequently, on 5 April 2000, he was reportedly dismissed from his position by the President of Uzbekistan, and a few days later accused of abuse of power by the head of a department of the Office of the General Prosecutor. Two days prior to his disappearance, his brother, as well as the deputy chairman of the same company, had allegedly been arrested.

334. During the period under review, no new information was received from the Government with regard to the 12 outstanding cases. The Group is, therefore, still unable to report on the fate and whereabouts of the persons concerned.

Venezuela

335. During the period under review, no new cases of disappearance were transmitted to the Government of Venezuela by the Working Group.

336. Three of the 14 reported cases of disappearance occurred in December 1991 and concern student leaders who had reportedly been intercepted by security forces during a commercial fishing expedition. A fourth case concerned a businessman arrested in February 1991 in Valencia City, Carabobo, by the police. A fifth case concerns a 14-year-old girl who was allegedly abducted in March 1993 following a military raid on her house in the peasant community of 5 de Julio, municipality of Catatumbo, State of Zulia. Another case concerns a person who was allegedly detained in February 1995 in the vicinity of Puerto Ayacucho, State of Amazona, by members of the navy infantry, following incidents in which eight Venezuelan soldiers were reportedly ambushed and killed by Colombian guerrillas.

337. During the period under review, the Government provided information on nine outstanding cases. With regard to four cases, it reported on the legal and administrative steps taken to establish the whereabouts of the missing persons, to establish responsibility for the acts and to bring the perpetrators to justice. For five cases, the Government replied that, following the entry into force of the Code of Criminal Procedure on 1 July 1999, it is not possible to provide updated information on the case.

338. In the past, the Working Group clarified four cases on the basis of information provided by the Government. In respect of the 10 outstanding cases, the Group is still unable to report on the fate and whereabouts of the persons concerned.

Yemen

339. During the period under review, no new cases of disappearance were transmitted to the Government of Venezuela by the Working Group.

340. The majority of the 150 reported cases of disappearance occurred between January and April 1986 in the context of the fighting which took place in the former People's Democratic Republic of Yemen; many others occurred in the context of the 1994 civil war.

341. Following its field mission to Yemen in 1998, the Working Group recommended that the Government consider establishing a special task force of the Supreme National Committee on Human Rights that should set up a database of all disappeared persons, their family members, any court decisions declaring the disappeared persons to be presumed dead, and any benefits and social allowances paid to the families in compensation for the disappearance. It also recommended that the task force further develop procedures in order to take the necessary legal steps for the clarification of all cases.

342. In the past, the Working Group clarified one case on the basis of the information provided by the source. No new information was received from the Government with regard to the 149 outstanding cases. The Group is, therefore, still unable to report on the fate and whereabouts of the disappeared persons.

Observations

343. The Working Group continues to be concerned that little has been done to clarify the more than 140 outstanding cases and that no information has been received from the Government during 2001 regarding these cases. The Working Group wishes to remind the Government of its responsibilities under article 13 of the Declaration to conduct thorough and impartial investigations for as long as the fate of the victim remains unclarified, and of the promises that it made to the Working Group during its visit in 1998. In fact, there has been no follow-up to the measures agreed upon between the Government of Yemen and the Working Group with a view to clarifying the outstanding cases.

344. The Working Group wishes to remind the Government of Yemen of its obligation to take all measures necessary to prevent further cases of disappearance, to investigate all outstanding cases and to bring the perpetrators to justice.

Yugoslavia

345. During the period under review, no new cases of disappearance were transmitted to the Government of Yugoslavia by the Working Group.

346. The 16 reported cases of disappearance occurred in 1999 and 2000: 14 cases concern a group of 10 men who were allegedly detained in 1999 while travelling by bus from the province of Kosovo to Albania through Montenegro and taken away in military vehicles; one case concerns a former President of Serbia who reportedly disappeared in Belgrade in August 2000; another case concerns a physician, Chairwoman of the Kosovo-Albanian Women's League, who was allegedly abducted in Pristina by members of a paramilitary group.

347. During the period under review, the Government replied in respect of one outstanding case that the person had been released by presidential decree on 1 November 2000 and transferred from the women's prison in Pozarevac to Kosovo under the auspices of the International Committee of the Red Cross. The Working Group decided to apply the six-month rule to this case, but is still unable to clarify any of the 16 outstanding cases and to report on the fate and whereabouts of the persons concerned.

Zimbabwe

348. During the period under review, no new cases were transmitted to the Government of Zimbabwe by the Working Group.

349. The only case of disappearance occurred in 2000 and concerns a polling officer for the opposition Movement for Democratic Change who was allegedly abducted in Bulawayo in the presence of his wife and children.

350. During the period under review, the Government requested relevant details about the outstanding case. The Working Group is still unable to report on the fate and whereabouts of the person concerned.

Palestinian Authority

351. During the period under review, the Working Group transmitted to the Palestinian Authority two new cases, one of which reportedly occurred in 2001 and was sent under the urgent action procedure. During the same period, the Working Group retransmitted one case updated with new information from the source.

352. The case of disappearance reported to the Working Group in the past reportedly occurred in 1997 and concerns a real estate agent and father of five children who allegedly disappeared following his arrest by members of the Palestinian military intelligence in Ramallah.

353. Of the two newly reported cases, one occurred in 1997 and concerns a person who was allegedly taken away from his sister's home in Deir-al-Balah by persons who had identified themselves as military intelligence officers. The other case concerns a United States citizen of Palestinian descent who disappeared near the Israeli settlement of Ofrah. Eyewitness accounts and a blue tape found on his car, which was abandoned near the settlement, indicated that it had been searched for explosives by Israeli Defence Forces (IDF). It is stated that appeals made to the United States Consulate General, the Overseas American Citizens Services Officer for Israel, and the United States Department of State were fruitless. In accordance with its methods of work, a copy of the case was also sent to the Government of Israel and to the Government of the United States of America.

354. To date, no information has been received from the Palestinian Authority with regard to the three outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the persons concerned.

United Nations Transitional Administration in East Timor (UNTAET)

355. During the period under review, in accordance with its methods of work the Working Group decided to address all future communication in respect of at least 193 cases of disappearance that occurred in the past in East Timor, of which at least 161 are still outstanding, to the United Nations Transitional Administration in East Timor (UNTAET). In accordance with its methods of work the Working Group will also send copies of these cases to the Government of Indonesia. It also decided to transfer these cases from its register on Indonesia and to consider these cases under a separate section, entitled United Nations Transitional Administration in East Timor (UNTAET). (See also section on Indonesia.) It must be noted that these figures are only an estimate and are subject to change once the exact number of cases that occurred in the areas that are now under UNTAET are carefully reviewed.

356. During the same period, the Working Group clarified two cases, both of which occurred in the area now under UNTAET, on the basis of information submitted by the Government of Indonesia, on which the source made no observations within the six-month period, that the persons concerned are detained at the Bacau police station awaiting a trial owing to sufficient initial evidence of their involvement in an armed confrontation. In respect of an estimated 159 outstanding cases, the Working Group is unable to report on the fate and whereabouts of the persons concerned.

III. COUNTRIES IN WHICH ALL REPORTED CASES OF DISAPPEARANCE HAVE BEEN CLARIFIED

Denmark

357. During the period under review, the Working Group transmitted, for the first time, one new case of disappearance to the Government of Denmark, which reportedly occurred in 2001 and was sent under the urgent action procedure. This case concerns a Rwandan genocide survivor who had first fled the Presidential Guard, which had been systematically exterminating Tutsi and other opposition ministers, and then the Rwandan Patriotic Army which he had joined. While in Kenya, he had reportedly become a target both of former members of the Rwandan army, who saw him as a potentially dangerous witness to the assassination of Cabinet ministers, and of the Government of Rwanda who considered him to be an army deserter. When he had learned that negotiations for his deportation to Rwanda were under way between the Rwandan Military Attaché and the Kenyan security services, he fled to Sweden where he requested asylum. His request was reportedly rejected by the Swedish authorities in 2000 and he was ordered to leave Swedish territory within two months, and was banned from returning for two years. When all the available appeal procedures had been exhausted in Sweden and a deportation order to Kenya was pending, the person is reported to have disappeared. In June 2001, his family learned that he was in Denmark and detained in jail. They reportedly wrote to various Danish authorities requesting information about his fate and whereabouts and inquiring about the possibilities of visiting him, whether he had been brought before a court, whether he had been granted legal assistance and a neutral translator, whether there had been a court judgement, whether he was receiving medical assistance, and which authority was handling the case. The Ministry for Foreign Affairs is said to have replied, advising them to contact the Danish immigration service; however, no official response to their queries was ever received. The Working Group subsequently clarified the case on the basis of information provided by the source that the person had been arrested in Denmark and then deported to Sweden where his application for asylum had been accepted on humanitarian grounds.

358. During the period under review, no information was received from the Government of Denmark.

IV. CONCLUSIONS AND RECOMMENDATIONS

359. During the year covered by the present report, the Working Group was able to clarify a total of 4,419 cases of enforced disappearance, the largest number of cases that the Working Group has been able to clarify in its first 20 years of existence. The vast majority of clarifications (4,390 cases) relates to Sri Lanka, the country with the second highest number of disappearances on the list of the Working Group. Although the persons who disappeared in Sri Lanka more than 10 years ago were, unfortunately, not found alive, the clarification of their fate, after many years of uncertainty, hope and despair, nevertheless, constitutes a relief for the families concerned and might contribute to the process of re-establishing justice and peace in this war-torn country.

360. The process which led to these clarifications and which will, hopefully, lead to many more cases being resolved in Sri Lanka in the near future was initiated during three missions carried out by the Working Group during the 1990s, the last one in October 1999. It is a concerted effort by the Government of Sri Lanka, the families and relatives of the disappeared persons, a considerable number of highly dedicated non-governmental organizations that had formed a consortium for carrying out this huge task, and the Working Group. The Group wishes to express its deep appreciation to all persons who are contributing to this process, consisting of various stages: the identification of all disappeared persons and their next-of-kin; the recognition by the Government of its responsibility for these human rights violations; a readiness for a common search for truth, justice and reconciliation; the willingness of the families to give up their hopes and to accept the legal presumption of death; and, appropriate measures by the Government to provide reparation, including monetary compensation, to the families.

361. The example of Sri Lanka reflects a new approach on the part of the Working Group to invite Governments with a high number of unresolved cases of disappearances that partly date back to the 1970s to consider ways and means, in cooperation with the families and civil society, to provide justice to the victims and clarify those cases. In the past, the Working Group reported on positive examples of cooperation with Governments, such as those of Brazil and Mexico, leading to clarification of a substantial number of cases. The Working Group wishes to invite other Governments, in particular of countries with a high number of outstanding cases, to follow these examples.

362. The clarification of cases on the ground that disappeared persons are released or found alive would, of course, be more satisfactory. Unfortunately, of the total number of 7,921 cases that the Working Group considers as clarified since the beginning of its activities in 1980, only 2,398 persons were still alive. This is a very small number in comparison with the total of 41,859 outstanding cases on the files of the Working Group. The Group, therefore, reiterates its appeal to all Governments concerned to cooperate with it and, in particular, to refrain from incommunicado detention and to release immediately all persons held in secret detention. It remains very concerned that some Governments (Burkina Faso, Burundi, Cambodia, the Congo, Denmark, Equatorial Guinea, Guinea, Israel, Jordan, Mozambique, Namibia, Rwanda, Seychelles, Tajikistan, Togo) and as the Palestinian Authority have never responded to the requests and reminders from the Group.

363. The Working Group acknowledges that there has been a decline in the number of disappearances reported to it over the past few years, which it considers to be a positive sign. Between 1997 and 2001, the number of new cases of disappearance transmitted by the Working Group declined to 243 in 2001 as compared with 1,111 in 1997, 1,015 in 1998, 300 in 1999 and 487 in 2000. The number of cases that occurred in the period under review also declined to 50 in 2001 from 180 in 1997, 240 in 1998, 115 in 1999 and 120 in 2000.

364. The ultimate goal of the Working Group must, however, be the eradication of the phenomenon of enforced or involuntary disappearance by appropriate preventive measures as provided for in the Declaration on the Protection of All Persons from Enforced Disappearance of 1992, the Inter-American Convention on Forced Disappearance of Persons of 1994 and the draft international convention for the protection of all persons from forced disappearance. Such measures include reducing periods of administrative detention to an indispensable minimum;

establishing accessible and up-to-date registries of detainees and guaranteeing access to appropriate information and to places of detention to relatives, lawyers and doctors of persons deprived of their liberty; refraining from expelling, returning (refouler) or extraditing persons to a State where they may be in danger of enforced disappearance; ensuring that persons are brought before a judicial authority promptly after detention and that they are released in a manner permitting reliable verification and in conditions in which their physical integrity and ability to exercise their rights fully are assured; bringing to justice all persons presumed responsible, guaranteeing their trial only by competent ordinary courts and not by any other special tribunal, in particular military courts, and ensuring that they do not benefit from any special amnesty law or similar measures that might exempt them from any criminal proceedings or sanction; providing redress and adequate compensation to victims and their families; and preventing and suppressing the abduction of children of parents subjected to enforced disappearance and of children born during their mother's enforced disappearance, and devoting efforts to establishing their identity and restoring them to their families of origin.

365. Since impunity is a major reason for the practice of disappearance, it is of utmost importance that the perpetrators be brought to justice, either before domestic courts, or, where disappearances are committed as part of a widespread or systematic attack against any civilian population, international tribunals. In this regard, the Working Group wishes to express its satisfaction that the Rome Statute of the International Criminal Court explicitly includes enforced disappearance in the list of crimes against humanity. Since most cases of enforced disappearance occur in isolation and not necessarily as part of a systematic attack with the intention to remove the victims from the protection of the law for a prolonged period of time (an element required in the crime of enforced disappearance), efforts have to be increased to include enforced disappearance in all domestic criminal codes with appropriate punishments, and to bring the perpetrators to justice before domestic courts under national as well as universal jurisdiction. The Working Group, therefore, again expresses its appreciation to the Sub-Commission on the Promotion and Protection of Human Rights for its work in preparing a draft convention on disappearance and recommends to the Commission that it finalize, without further delay, the process of drafting "a legally binding normative instrument for the protection of all persons from enforced disappearance" as decided in its resolution 2001/46 (para. 12).

366. In the last two years, the Working Group has complied with the request of the General Assembly to reduce all reports to the general limit of 32 pages, but only by drastically reducing their contents; consequently, its two previous reports no longer properly reflect the country-specific work carried out by the Group in respect of thousands of cases and the situation of enforced disappearance in over 70 countries. Hence, the Working Group decided to return to the earlier format consisting of short chapters on the situation of disappearance in countries with outstanding cases, country-specific observations for those countries with over 100 cases of disappearance or a high number of recent cases, and relevant annexes containing statistical data and graphs.

367. The Working Group expresses once again its sincere appreciation to the secretariat for its dedication in the pursuance of the difficult tasks it has to undertake. The Working Group is gravely concerned about its inability, with the present limited financial resources and acute shortage of staff, to carry out the mandate assigned to it by the Commission and to fulfil its

obligations. Over the last years, the number of its secretariat staff has been dramatically reduced from nine Professional and four General Service staff members to two Professionals, one of them working only half-time, and two part-time General Service staff members. The Working Group avails itself of this opportunity to reiterate its appeal to the Commission to meet the needs of the Secretariat by allocating the appropriate resources.

V. ADOPTION OF THE REPORT AND SEPARATE OPINION OF ONE MEMBER OF THE WORKING GROUP

368. At the last meeting of its sixty-fifth session, on 21 November 2001, the present report was adopted by the members of the Working Group on Enforced or Involuntary Disappearances:

Diego García Sayán (Chairman)	(Peru)
Ivan Tosevski	(The former Yugoslav Republic of Macedonia)
Manfred Nowak	(Austria)

[Joel 'Bayo Adekanye (Nigeria) and Anuar Zainal Abidin (Malaysia) were not present at the sixty-fifth session.]

Ivan Tosevski wishes to express the following separate opinion to be added to the Working Group's report:

> "I strongly object to the present report, which is not in conformity with the request of the General Assembly, contained in its resolutions 37/4C of 22 November 1982 and 47/202B of 22 December 1992."

Annex I

Revised methods of work of the Working Group

(adopted on 14 November 2001)

Mandate

1. The Working Group's methods of work are based on its mandate as stipulated originally in Commission on Human Rights resolution 20 (XXXVI) and as developed by the Commission in numerous further resolutions. The parameters of its work are laid down in the Charter of the United Nations, the International Bill of Human Rights, Economic and Social Council resolution 1235 (XLI) and the Declaration on the Protection of All Persons from Enforced or Involuntary Disappearance, adopted by the General Assembly in its resolution 47/133 of 18 December 1992 (hereinafter referred to as the "Declaration").

Definition

2. As defined in the preambular part of the Declaration, enforced disappearances occur when persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law. Enforced disappearance has been defined as a crime against humanity in article 7 (1) (i) of the Rome Statute of the International Criminal Court.

Clarifications

3. The basic mandate of the Working Group is to assist families in determining the fate and whereabouts of their missing relatives who, having disappeared, are placed outside the protection of the law. To this end, the Working Group endeavours to establish a channel of communication between the families and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases which families, directly or indirectly, have brought to the Group's attention are investigated with a view to clarifying the whereabouts of the disappeared persons. Clarification occurs when the whereabouts of the disappeared persons are clearly established as a result of investigations by the Government, inquiries by non-governmental organizations, fact-finding missions by the Working Group or by human rights personnel from the United Nations or from any other international organization operating in the field, or by the search of the family, irrespective of whether the person is alive or dead.

Declaration on the Protection of All Persons from Enforced or Involuntary Disappearance

4. In addition to its original mandate, the Working Group has been entrusted by the Commission on Human Rights with various tasks. In particular, the Working Group is to monitor States' compliance with their obligations deriving from the Declaration on the Protection of All Persons from Enforced Disappearance and to provide to Governments

assistance in its implementation. States are under an obligation to take effective measures to prevent and terminate acts of enforced disappearance by making them continuing offences under criminal law and establishing civil liability of those responsible. The Declaration also refers to the right to a prompt and effective judicial remedy, as well as unhampered access of national authorities to all places of detention, the right to habeas corpus, the maintenance of centralized registers of all places of detention, the duty to investigate fully all alleged cases of disappearance, the duty to try alleged perpetrators of acts of disappearance before ordinary (not military) courts, the exemption of the criminal offence of acts of enforced disappearances from statutes of limitation, special amnesty laws and similar measures leading to impunity. The Working Group reminds the Governments of these obligations not only in the context of clarifying individual cases but also that of taking action of a more general nature. It draws the attention of Governments and non-governmental organizations to general or specific aspects of the Declaration, it recommends ways of overcoming obstacles to the realization of the Declaration, it discusses with representatives of Governments and non-governmental organizations how to solve specific problems in the light of the Declaration, it assists Governments by carrying out on-the-spot visits, organizing seminars and providing similar advisory services. The Working Group also makes observations on the implementation of the Declaration when the concerned Government has not fulfilled its obligations related to the rights to truth, justice and reparation.

International armed conflicts

5. The Working Group does not deal with situations of international armed conflict, in view of the competence of the International Committee of the Red Cross in such situations, as established by the Geneva Conventions, of 12 August 1949 and the Additional Protocols thereto.

Perpetrators

6. In transmitting cases of disappearance, the Working Group deals exclusively with Governments, basing itself on the principle that Governments must assume responsibility for any violation of human rights on their territory. Where, however, disappearances have been attributed to terrorist or insurgent movements fighting the Government on its own territory, the Working Group has refrained from processing them. The Group considers that, as a matter of principle, such groups may not be approached with a view to investigating or clarifying disappearances for which they are held responsible.

Admissibility

7. Reports on disappearances are considered admissible by the Working Group when they originate from the family or friends of the missing person. Such reports may, however, be channelled to the Working Group through representatives of the family, Governments, intergovernmental organizations, non-governmental organizations and other reliable sources. They must be submitted in writing with a clear indication of the identity of the sender; if the source is other than a family member, it must be in a position to follow up with the relatives of the disappeared person concerning his or her fate.

Basic elements

8. In order to enable Governments to carry out meaningful investigations, the Working Group provides them with information containing at least a minimum of basic data. In addition, the Working Group constantly urges the senders of reports to furnish as many details as possible concerning the identity of the disappeared person and the circumstances of the disappearance. The Group requires the following minimum elements:

(a) Full name of the missing person;

(b) Date of disappearance, i.e. day, month and year of arrest or abduction, or day, month and year when the disappeared person was last seen. When the disappeared person was last seen in a detention centre, an approximate indication is sufficient (for example, March or spring 1990);

(c) Place of arrest or abduction, or where the disappeared person was last seen (indication of town or village, at least);

(d) Parties presumed to have carried out the arrest or abduction or to be holding the disappeared person in unacknowledged detention;

(e) Steps taken by the family to determine the fate or whereabouts of the disappeared person, or at least an indication that efforts to resort to domestic remedies were frustrated or have otherwise been inconclusive.

9. If a case is not admitted, the Working Group sends a response to the source indicating that the information received did not fulfil the requirements established, in order to permit the source to provide all relevant information.

Pregnancy

10. In the case of the disappearance of a pregnant woman, the child presumed to have been born during the mother's captivity should be mentioned in the description of the case of the mother. The child would be treated as a separate case when witnesses reported that the mother had actually given birth to a child during detention.

Normal procedure

11. Reported cases of disappearances are placed before the Working Group for detailed examination during its sessions. Those which fulfil the requirements outlined above are transmitted, upon the Group's specific authorization, to the Governments concerned with the request that they carry out investigations and inform the Group about the results. These cases are communicated by letter from the Group's Chairman to the Government concerned through the Permanent Representative to the United Nations Office at Geneva.

Urgent appeals

12. Cases that occurred within the three months preceding receipt of the report by the Group are transmitted directly to the Minister for Foreign Affairs of the country concerned by the most direct and rapid means. Their transmission can be authorized by the Chairman on the basis of a specific delegation of power given to him by the Group. Cases which occurred prior to the three-month limit, but not more than one year before the date of their receipt by the Secretariat, provided that they had some connection with a case which occurred within the three-month period, can be transmitted between sessions by letter, upon authorization by the Chairman. The Working Group provides the source with a copy of the summary of each urgent action, thus helping it to enter into communication with the authorities on the case concerned.

Cases concerning two or more countries

13. Reports on a disappearance indicating that officials from more than one country were directly responsible for or involved in the disappearance would be communicated to both the Government of the country where the disappearance occurred and the Government of the country whose officials or agents were alleged to have participated in the arrest or the abduction of the disappeared person. However, the case would only be counted in the statistics of the country in which the person was reportedly arrested, detained, abducted or last seen.

Reminders

14. The Working Group reminds every Government concerned once a year of the cases which have not yet been clarified and twice a year of all urgent action cases transmitted during the preceding six months for which no clarification has been received. On request, the Working Group provides to the Government concerned or the source, to the extent possible, updated information on specific cases.

Government replies

15. All replies received from Governments concerning reports of disappearances are examined by the Working Group and summarized in the Group's annual report to the Commission on Human Rights. Any information given on specific cases is forwarded to the senders of those reports, who are invited to make observations thereon or to provide additional details on the cases.

The six-month rule

16. Any reply of the Government containing detailed information on the fate and whereabouts of the disappeared person is transmitted to the source. If the source does not respond within six months of the date on which the Government's reply was communicated to it, or if it contests the Government's information on grounds which are considered unreasonable by the Working Group, the case is considered clarified and is accordingly listed under the heading "Cases clarified by the Government's response" in the statistical summary of the annual report. If the source contests the Government's information on reasonable grounds, the Government is so informed and invited to comment.

Presumption of death

17. The Working Group may consider a case clarified when the competent authority specified in the relevant national law pronounces, with the concurrence of the relatives and other interested parties, on the presumption of death of a person reported missing.

Cooperation with other mechanisms

18. If a case contains information relevant to other thematic mechanisms of the Commission, it is transmitted to the mechanism concerned.

Reopening of cases

19. If the sources provide well-documented information that a case has been considered clarified erroneously, because the Government's reply referred to a different person, does not correspond to the reported situation or has not reached the source within the six-month period referred to above, the Working Group transmits the case to the Government anew, requesting it to comment. In such instances, the case in question is again listed among the outstanding cases and a specific explanation is given in the Group's report to the Commission on Human Rights, describing the above-mentioned errors or discrepancies.

Additional information

20. Any substantive additional information which the sources submit on an outstanding case is placed before the Working Group and, following its approval, transmitted to the Government concerned. If the additional information received amounts to a clarification of the case, the Government is informed immediately without awaiting the Group's next session.

Discontinuation of cases

21. In exceptional circumstances, the Working Group may decide to discontinue the consideration of cases where the families have manifested, freely and indisputably, their desire not to pursue the case any further, or when the source is no longer in existence or is unable to follow up the case and steps taken by the Working Group to establish communication with other sources have proven unsuccessful.

Outstanding cases

22. The Working Group considers cases as outstanding for as long as they have not been clarified or discontinued in accordance with the criteria outlined in paragraphs 16 to 21 above. This principle is not affected by changes of Government in a given country nor in the event of State succession.

General allegations

23. The Working Group regularly transmits to the Governments concerned a summary of allegations received from relatives of missing persons and non-governmental organizations with regard to obstacles encountered in the implementation of the Declaration in their respective countries, inviting them to comment thereon if they so wish.

Field missions

24. The Working Group carries out visits to countries on invitation, but also takes the initiative of approaching Governments with a view to carrying out visits to countries, when considered appropriate. Such visits are intended to enhance the dialogue between the authorities most directly concerned, the families or their representatives and the Working Group, and to assist in the clarification of the reported disappearances. The Working Group reports to the Commission on its country visits in an addendum to its annual report.

Follow-up

25. With regard to countries in which visits have been carried out, the Working Group periodically reminds the Governments concerned of the observations and recommendations formulated in the respective reports, requesting information on the consideration given to them, and the steps taken for their implementation or the constraints which might have prevented their implementation. The Working Group may also take the initiative to carry out follow-up visits.

Prompt intervention

26. Cases of intimidation, persecution or reprisal against relatives of missing persons, witnesses to disappearances or their families, members of organizations of relatives and other non-governmental organizations, human rights defenders or individuals concerned with disappearances are transmitted to the pertinent Governments, with the appeal that they take steps to protect all the fundamental rights of the persons affected. Cases of that nature, which require prompt intervention, are transmitted directly to the Ministers for Foreign Affairs by the most direct and rapid means. To that end, the Working Group has authorized its Chairman to transmit such cases between sessions.

Meetings

27. The Working Group meets three times a year to consider the information brought to its attention since its previous session. Its meetings are held in private. However, the Working Group regularly meets with representatives of Governments, non-governmental organizations, family members and witnesses.

Reports

28. The Working Group reports annually to the Commission on Human Rights on the activities which it has carried out from the end of Commission's previous session up until the last day of the Working Group's third annual session. It informs the Commission of its communications with Governments and non-governmental organizations, its meetings and missions. Reports on missions are contained as addenda to the main report. The Working Group reports on all cases of disappearance received by the Group during the year, on a country-by-country basis, and on the decision it has taken thereon. It provides the Commission with a statistical summary for each country of cases transmitted to the Government, clarifications, and the status of the person concerned on the date of clarification. It includes graphs showing the development of disappearances in countries with more than 50 transmitted cases as of the date of the adoption by the Working Group of its annual report. The Working Group includes conclusions and recommendations in its report and makes observations on the situation of disappearances in individual countries. The Working Group further reports on the implementation of the Declaration and the obstacles encountered therein, and periodically reports on broader issues surrounding the phenomenon of enforced disappearance.

Annex II

Decisions on individual cases taken by the Working Group during 2001

Countries	Cases which allegedly occurred in 2001	Cases transmitted to the Government during 2001		Clarifications by:		Discontinued cases
		Urgent actions	Normal actions	Government	Non-governmental sources	
Algeria	-	-	46	-	-	-
Angola	-	-	-	3	-	-
Burundi	1	1	-	-	1	-
Cameroon	9	9	-	1	-	-
China	4	4	8	-	-	-
Colombia	12	12	-	-	-	-
Denmark	1	1	-	-	1	-
Ecuador	1	1	-	-	-	-
Honduras	-	-	3			-
India	1	-	17	1	-	-
Indonesia	-	-	-	2	-	-
Jordan	-	-	1	-	-	-
Lao People's Democratic Republic	-	-	5	-	-	-
Lebanon	-	-	6			-
Mexico	2	2	-	3	1	-
Morocco	-	-	2	-		-
Nepal	4	16	41	-	16	-
Pakistan	3	3	-	-	-	-
Philippines	4	2	2	-	-	-
Russian Federation	1	1	-	-	-	-
Saudi Arabia	-	-	1	-	-	-
Sri Lanka	2	1	19	4 390	-	-
Sudan	1	1	-	-	-	-
Thailand	-	-	32	-	-	-
Turkey	3	3	-	-	-	-
Uzbekistan	-	-	1	-	-	-
Palestinian Authority	1	1	1	-	-	-

Annex III

Statistical summary:
Cases of enforced or involuntary disappearance reported to the Working Group between 1980 and 2001

Countries/ entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	
	No. of cases	Female	No. of cases	Female						
Afghanistan	2	-	2	-	-	-	-	-	-	-
Algeria	1 133	16	1 120	14	7	6	5	1	7	-
Angola	7	1	1	-	6	-	-	-	6	-
Argentina	3 455	772	3 377	749	43	35	49		29	-
Bangladesh	1	1	1	1	-	-	-	-	-	-
Bahrain	1	-	-	-	-	1	-	1	-	-
Belarus	3	-	3		-	-	-	-	-	-
Bolivia	48	3	28	3	19	1	19	-	1	-
Brazil	60	4	8	-	48	4	4	-	48	-
Bulgaria	3	-	-	-	3	-	-	-	3	-
Burkina Faso	3	-	3	-	-	-	-	-	-	-
Burundi	53	-	52	-	-	1	1	-	-	-
Cambodia	2	-	2	-	-	-	-	-	-	-
Cameroon	18	-	17	-	1	-	1	-	-	-
Chad	13	-	12	-	1	-	-	-	1	-
Chile[a]	912	67	844	67	45	23	2	-	66	-
China	106	7	41	4	56	9	42	22	1	-
Colombia[b]	1 114	95	856	77	198	60	156	24	78	-
Congo	31	1	31	1	-	-	-	-	-	-
Cyprus	-	-	-	-	-	-	-	-	-	-
Democratic Republic of the Congo	51	11	42	11	6	3	9	-	-	-
Denmark	1	-	-	-	-	1	-	1	-	-
Dominican Republic	4		2		2	-	2	-	-	-
Ecuador	23	2	8	-	11	4	6	4	5	-
Egypt	20		12		7	1	1	7		-

Countries/ entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	
	No. of cases	Female	No. of cases	Female						
El Salvador	2 661	332	2 270	295	318	73	196	175	20	-
Equatorial Guinea	3	-	3	-	-	-	-	-	-	-
Eritrea	34	-	34	-	-	-	-	-	-	-
Ethiopia	114	2	112	1	1	1	1	1	-	-
Gambia	1	-	-	-	-	1	-	1	-	-
Greece	3	-	3	-	-	-	-	-	-	-
Guatemala	3 151	387	2 982	378	90	79	104	6	59	-
Guinea	28	-	21	-	-	7	-	-	7	-
Haiti	48	1	38	1	9	1	1	4	5	-
Honduras	202	34	132	21	30	40	54	8	8	-
India	355	12	304	10	41	10	22	7	22	-
Indonesia[c]	447	25	401	25	32	14	35	9	2	-
Iran (Islamic Rep. of)	516	99	501	99	13	2	5	1	9	-
Iraq	16 514	2 311	16 384	2 294	107	23	115	6	9	-
Israel	3	-	2	-	-	1	-	-	1	-
Jordan	2	-	2	-	-	-	-	-	-	-
Kazakhstan	2	-	-	-	-	2	-	2	-	-
Kuwait	1	-	1	-	-	-	-	-	-	-
Lao People's Democratic Rep.	6	-	6	-	-	-	-	-	-	-
Lebanon	312	19	304	19	2	6	7	1	-	-
Libyan Arab Jamahiriya	4	-	3	-	-	1	1	-	-	-
Malaysia	2	-	1	-	-	1	-	1	-	-
Mauritania	1	-	1	-	-	-	-	-	-	-
Mexico	365	26	212	17	119	18	73	17	47	16
Morocco	249	28	115	10	88	46	117	1	16	-
Mozambique	2	-	2	-	-	-	-	-	-	-
Myanmar	2	-	-	-	2	-	1	1	-	-
Namibia	1	-	1	-	-	-	-	-	-	-
Nepal	108	9	87	9	3	18	5	16	-	-

Countries/ entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	
	No. of cases	Female	No. of cases	Female						
Nicaragua	234	4	103	2	112	19	45	11	75	-
Nigeria	6	-	1	1	5	-	5	-	-	-
Pakistan	83	2	78	2	1	4	4	1	-	-
Paraguay	23	-	3	-	20	-	19	-	1	-
Peru	3 006	311	2 368	236	253	385	450	85	103	-
Philippines	662	80	505	60	124	33	109	19	29	-
Romania	1	-	-	-	1	-	1	-	-	-
Russian Federation	212	11	211	11	-	1	1	-	-	-
Rwanda	21	2	19	2	-	2	1	1	-	-
Saudi Arabia	3	-	2	-	-	1	1	-	-	-
Seychelles	3	-	3	-	-	-	-	-	-	-
South Africa	11	1	-		3	2	1	1	3	6
Sri Lanka	12 297	148	7 335	135	4 923	39	97	24	4 841	-
Sudan	267	35	262	35	2	3	5	-	-	-
Syrian Arab Rep.	35	3	8	3	13	14	18	5	4	-
Tajikistan	8	-	6	-	-	2	1		1	-
Thailand	34	-	34	-	-	-	-	-	-	-
Togo	11	2	10	2	-	1	1		-	-
Tunisia	15	1	-	1	11	4		15	-	-
Turkey	180	11	96	4	36	48	51	20	13	-
Turkmenistan	2	-	-	-	2	-	-	2	-	-
Uganda	61	34	54	32	2	5	2	5	-	-
Ukraine	4	2	4	2	-	-	-	-	-	-
United Arab Emirates	1	-	-		1	-	1	-	-	-
United Rep. of Tanzania	2	-	-	-	2	-	-	2	-	-
Uruguay	31	7	23	4	7	1	4	4	-	-
Uzbekistan	12	-	12	-	-	-	-	-	-	-
Venezuela	14	2	10	1	4	-	1	-	3	-
Yemen	150	-	149	-	-	1	1	-	-	-

Countries/ entities	Cases transmitted to the Government				Clarification by:		Status of person at date of clarification			Discontinued cases
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead	
	No. of cases	Female	No. of cases	Female						
Yugoslavia	16	2	16	1	-	-	-	-	-	-
Zambia	1	1	-	-	-	1	-	1	-	-
Zimbabwe	1	-	1	-	-	-	-	-	-	-
Palestinian Authority	3	-	3	-	-	-	-	-	-	-
UNTAET	191	7	159	3	26	6	19	13	-	-

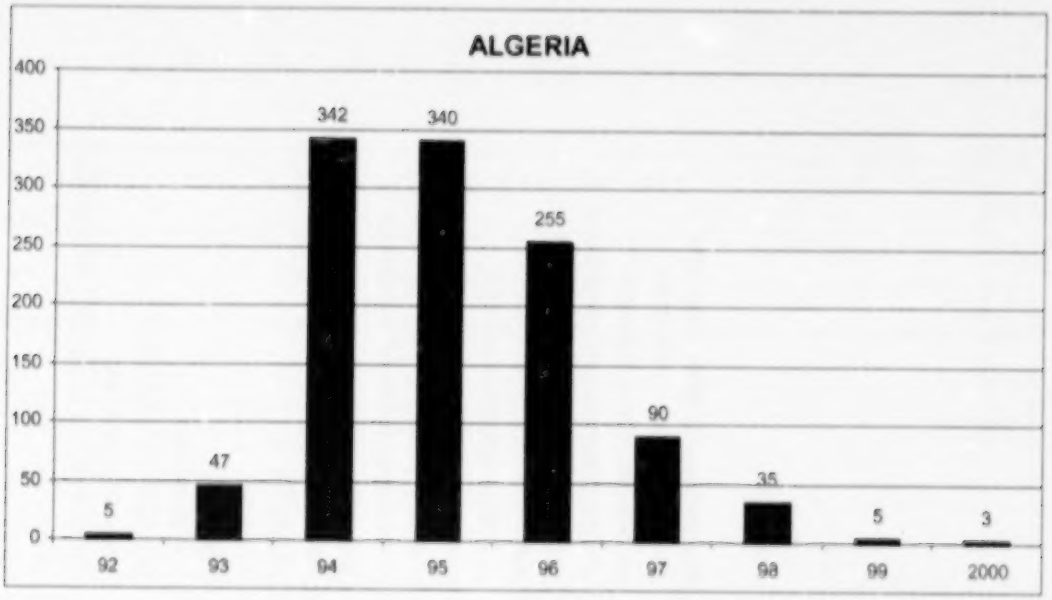
[a] Note that the statistical summary (1980-2000) for Chile should read as follows: 912 total cases transmitted; 844 outstanding cases; 68 clarified cases. There were only 3 cases clarified by the Working Group based on the Government's reply.

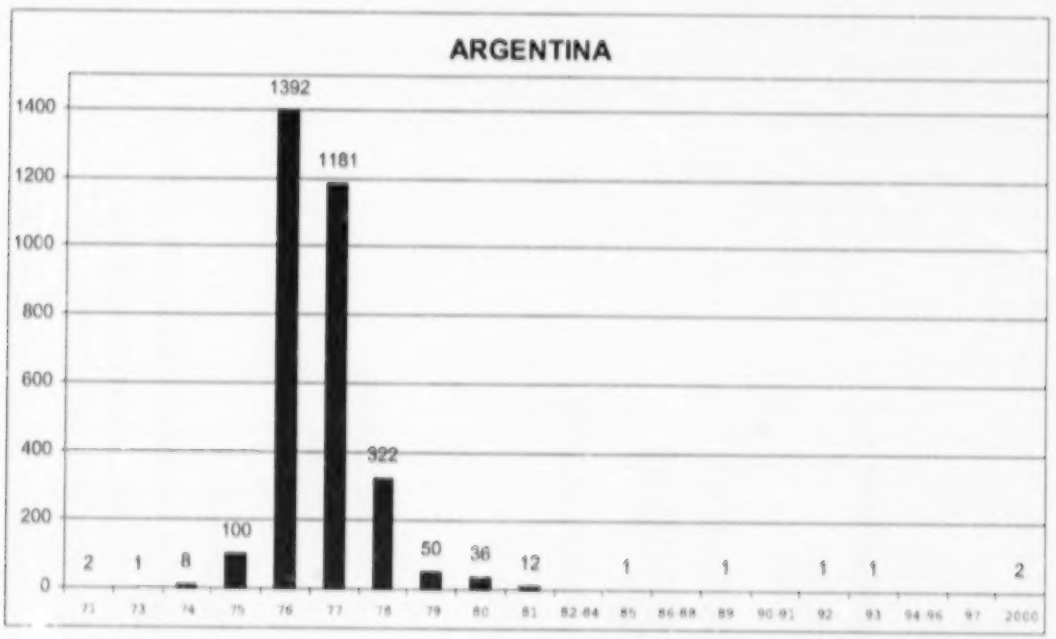
[b] Note that the statistical summary (1980-2000) for Colombia should read as follows: 1,102 total cases transmitted; 844 outstanding cases; 258 clarified cases. There were only 14 cases sent as urgent action appeals to the Government of Colombia.

[c] Note that the statistical summary (1980-2000) for Indonesia should read as follows: 638 total cases transmitted; 562 outstanding cases; 76 clarified cases. There were 30 cases which allegedly occurred in 2000 and sent as urgent action appeals to the Government.

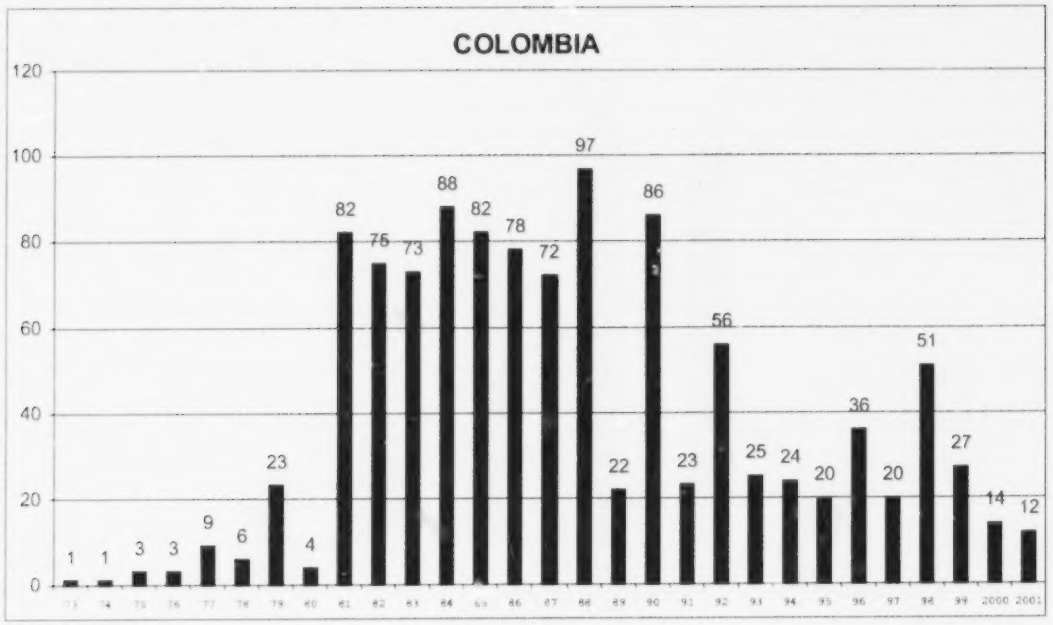
Annex IV

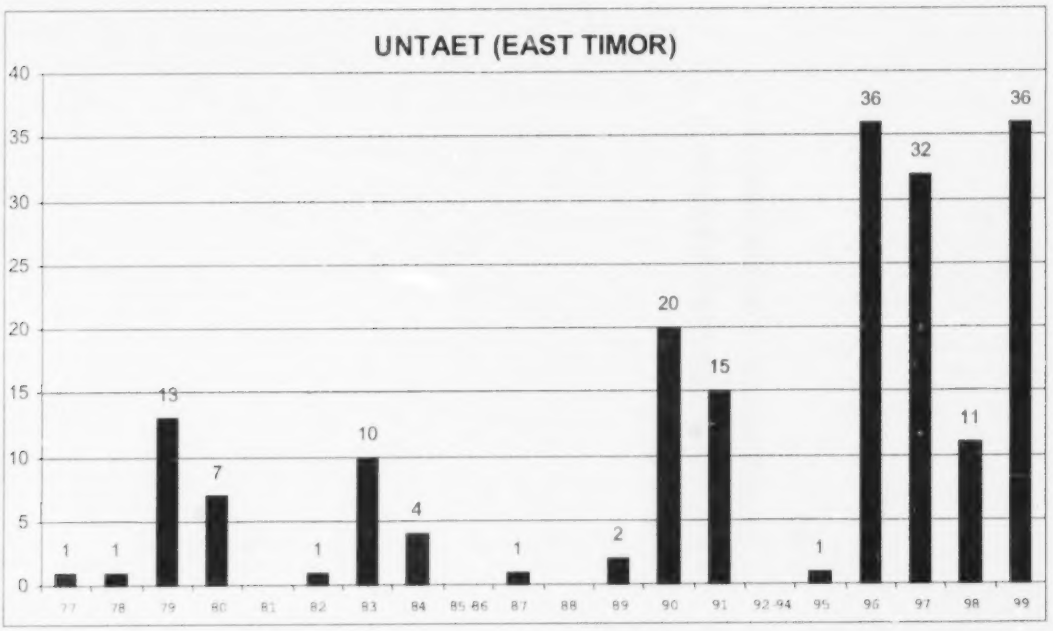
GRAPHS SHOWING THE DEVELOPMENT OF DISAPPEARANCES IN COUNTRIES WITH MORE THAN 100 TRANSMITTED CASES DURING THE PERIOD 1971-2001





Note: These graphs provide an illustration of the trend in disappearances reported to the Working Group during the period 1971-2001.





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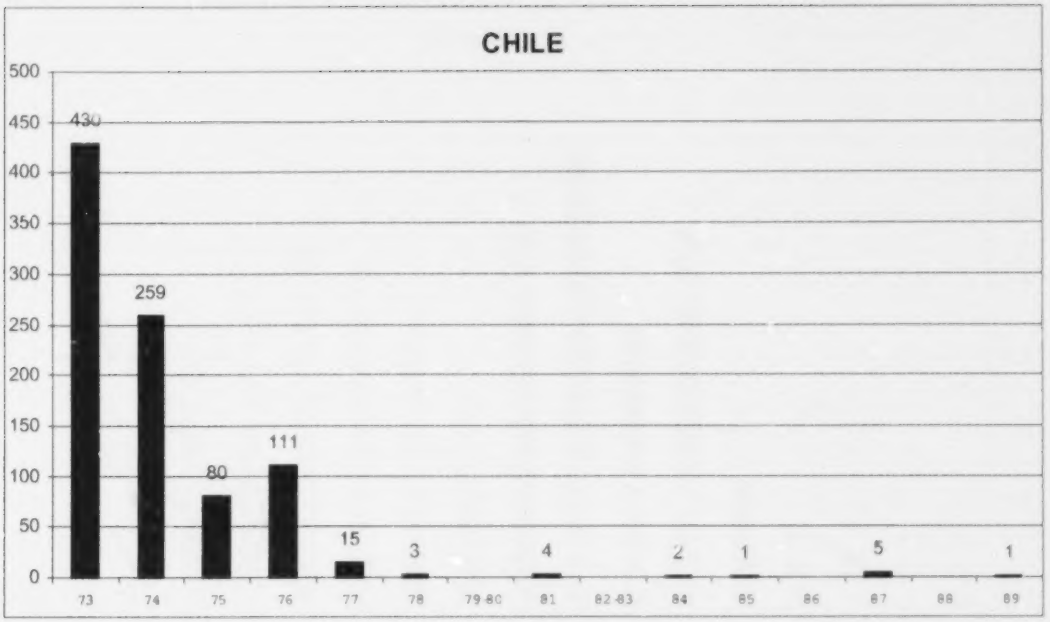

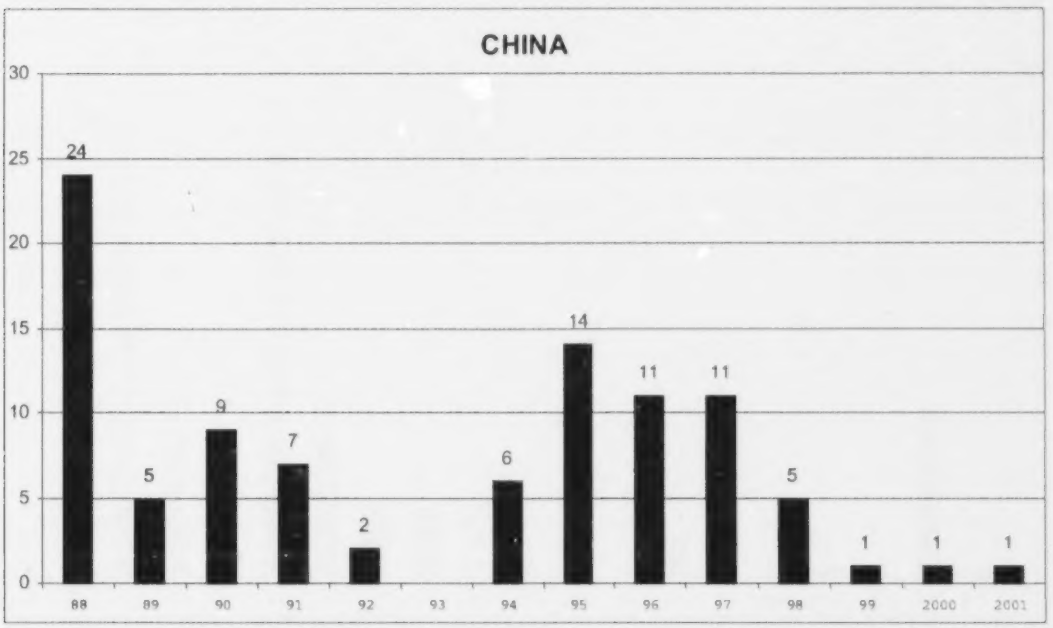

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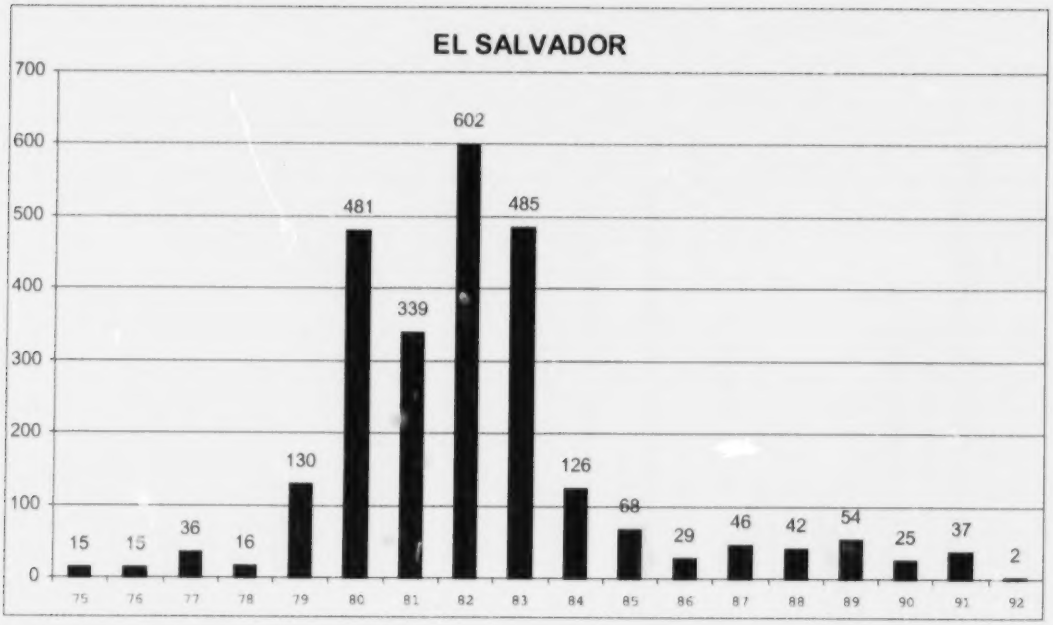

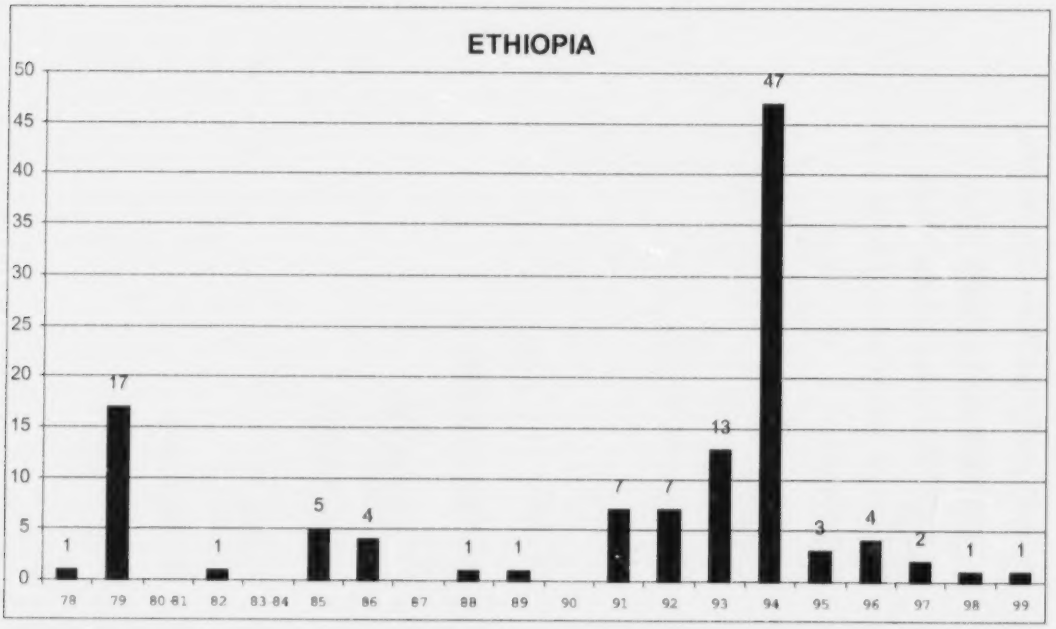

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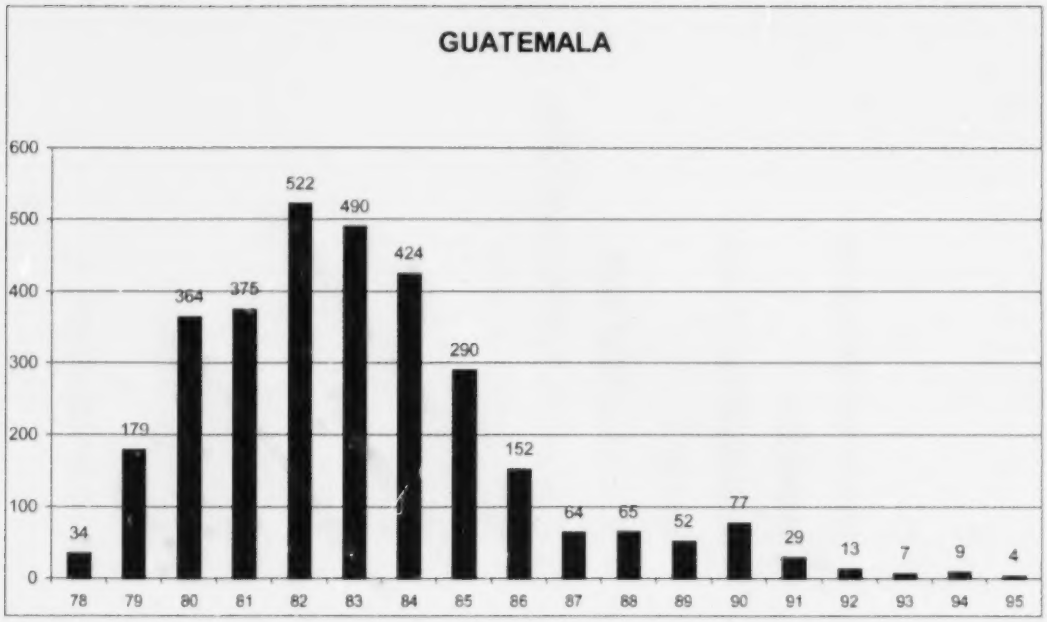

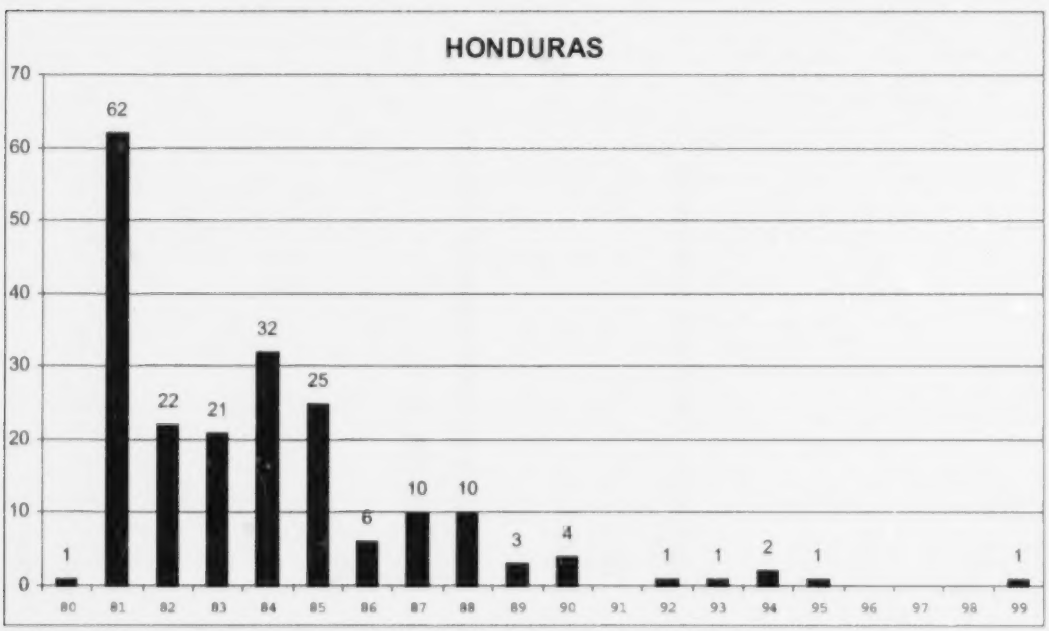

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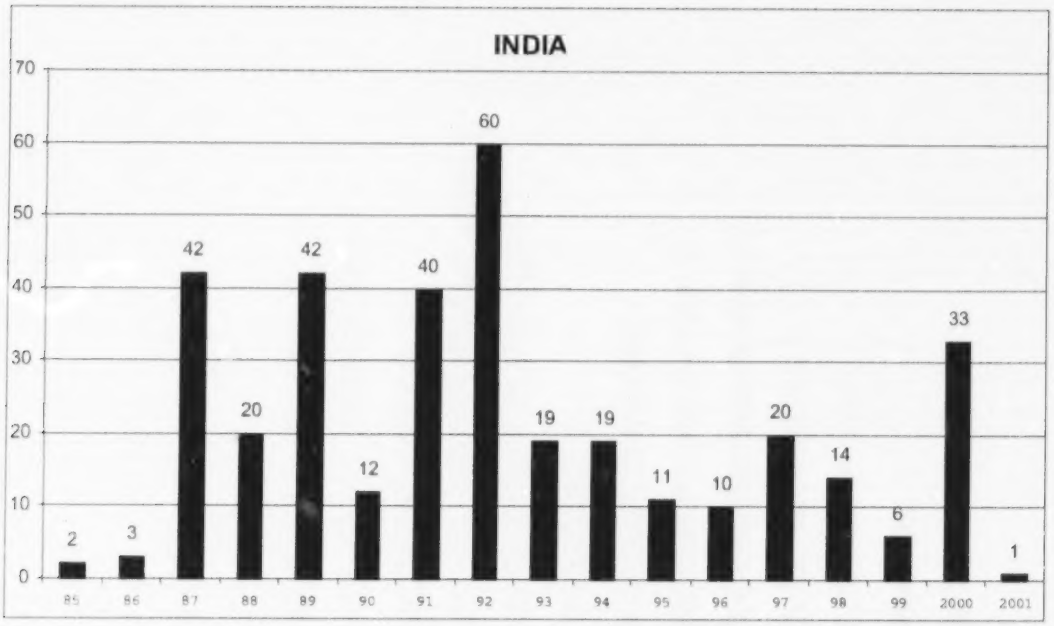

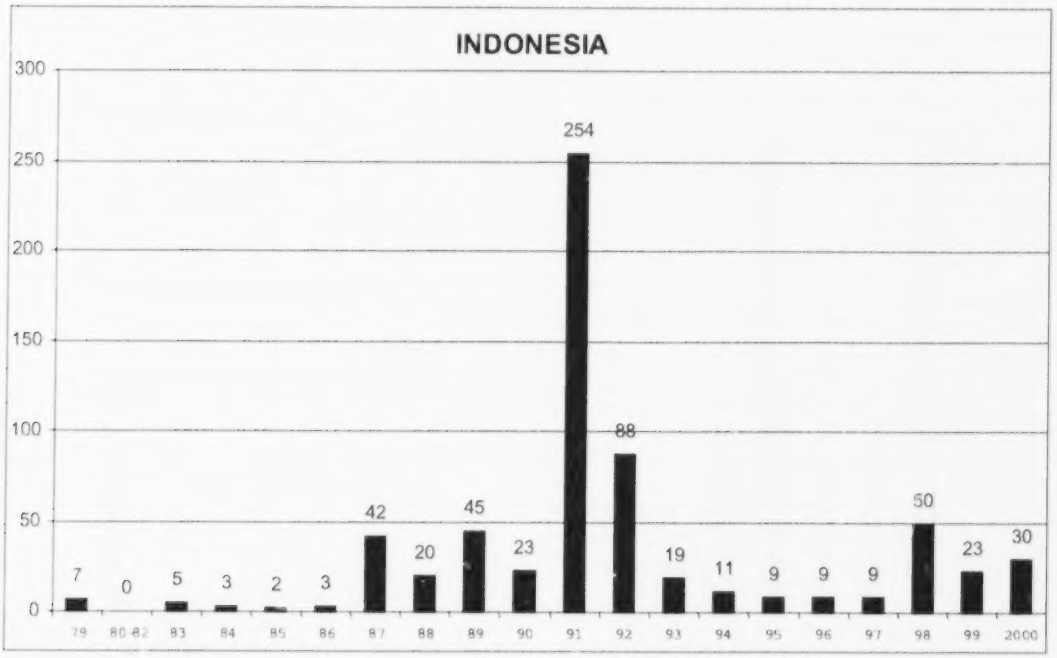

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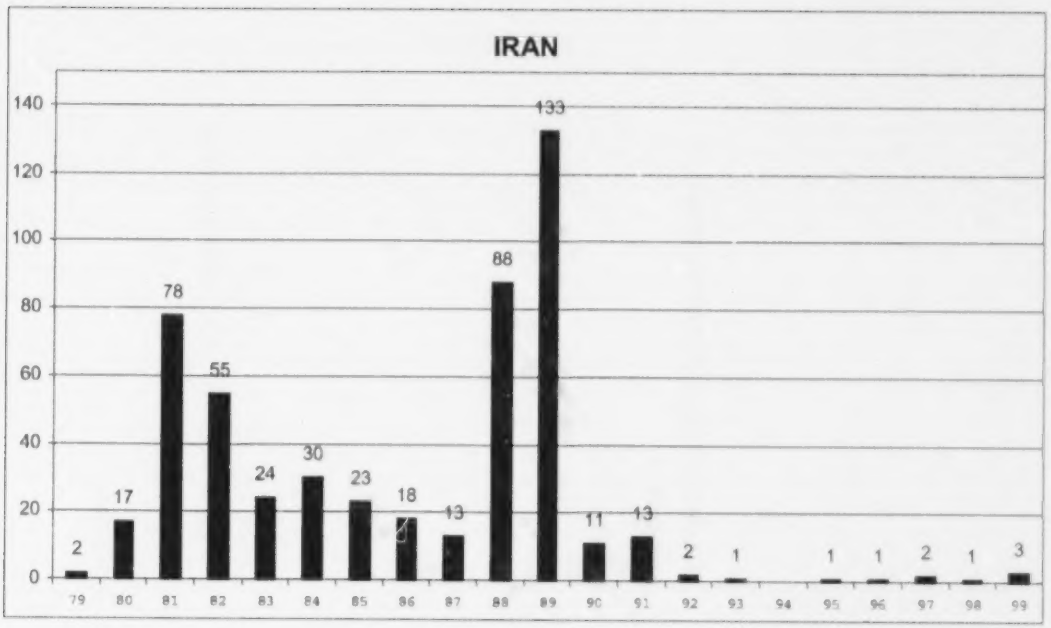

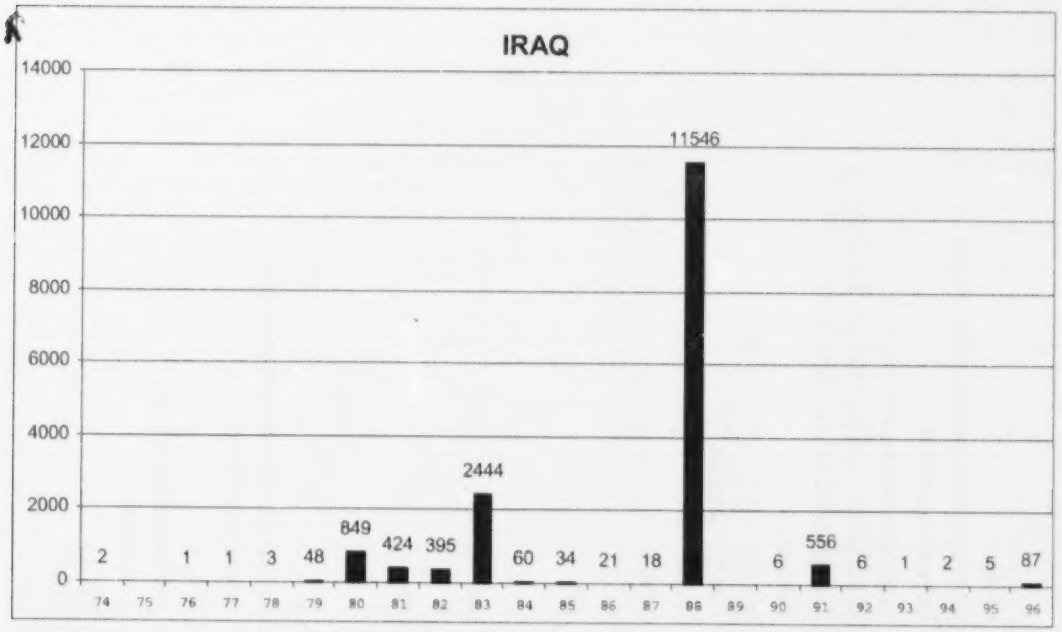

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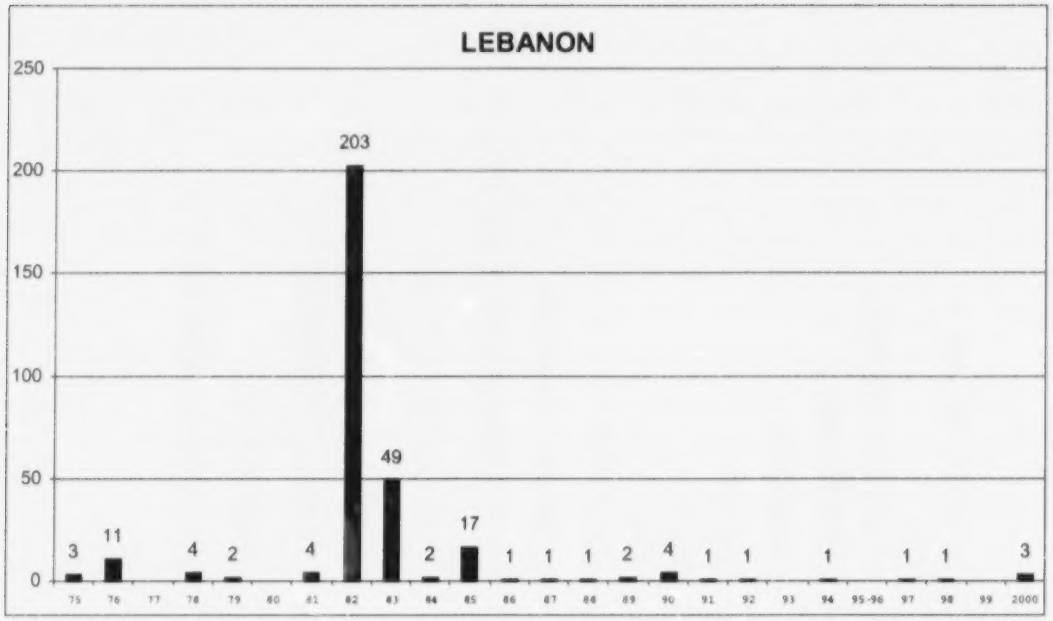
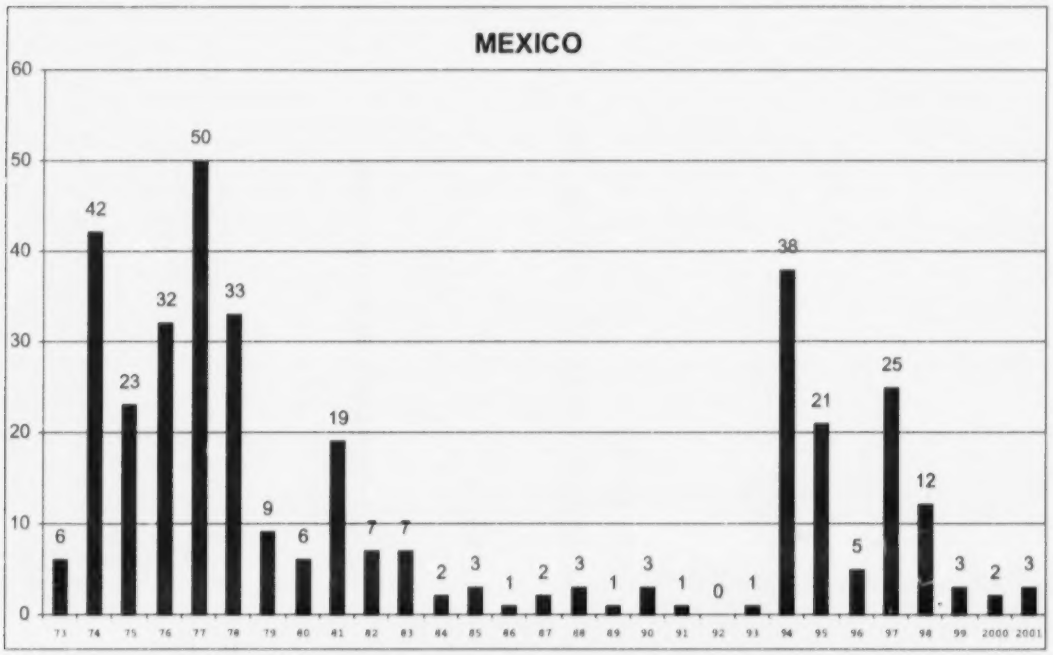
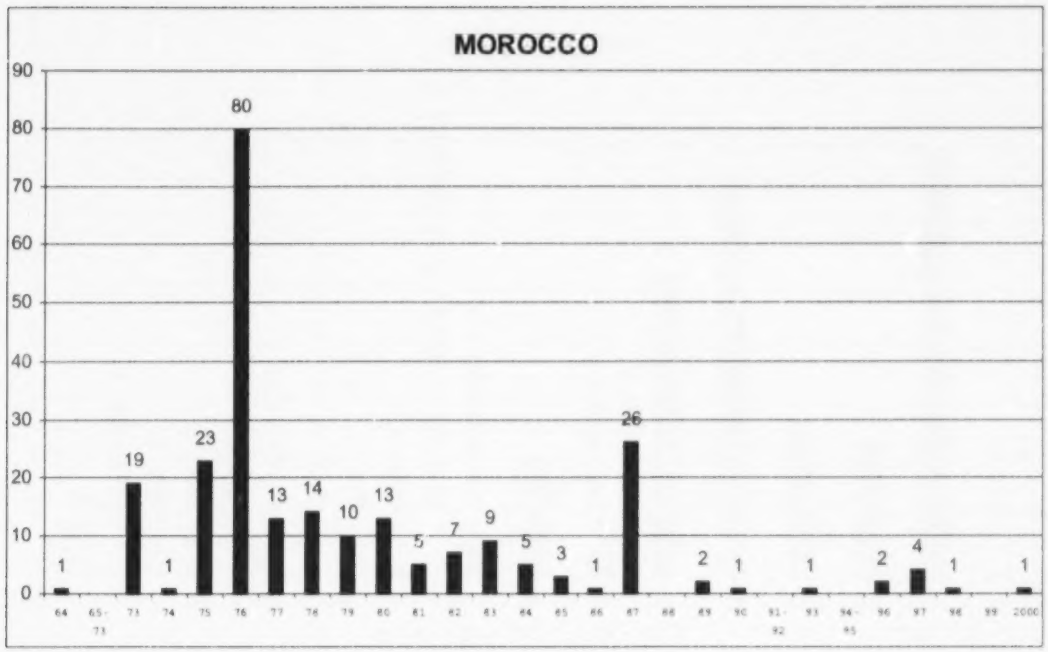
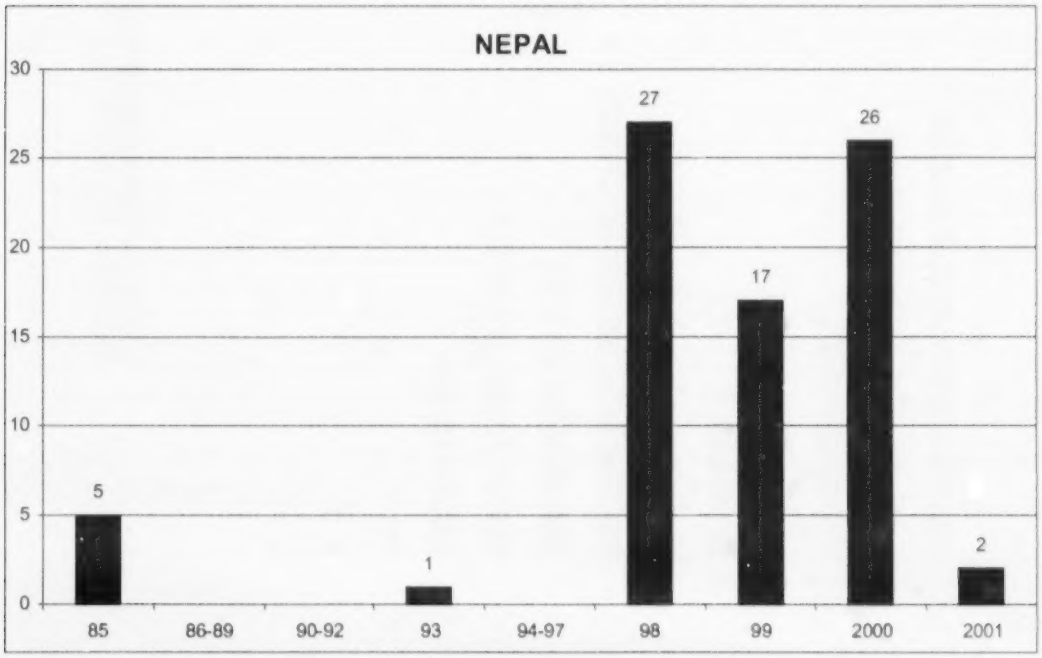




Note: These graphs provide an illustration of the trend in disappearances reported to the Working Group during the period 1971-2001.





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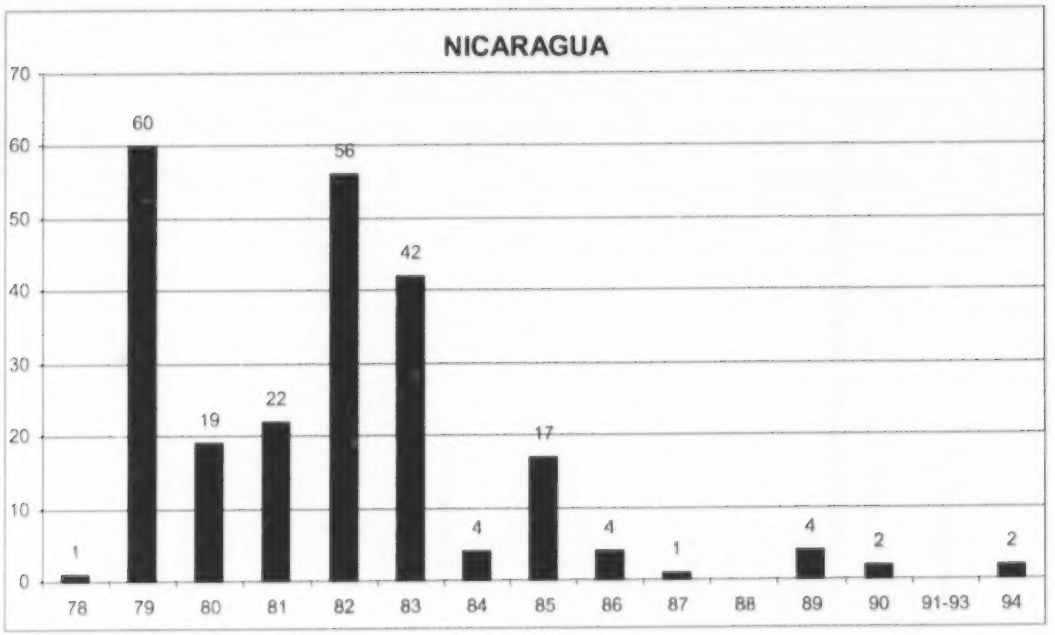

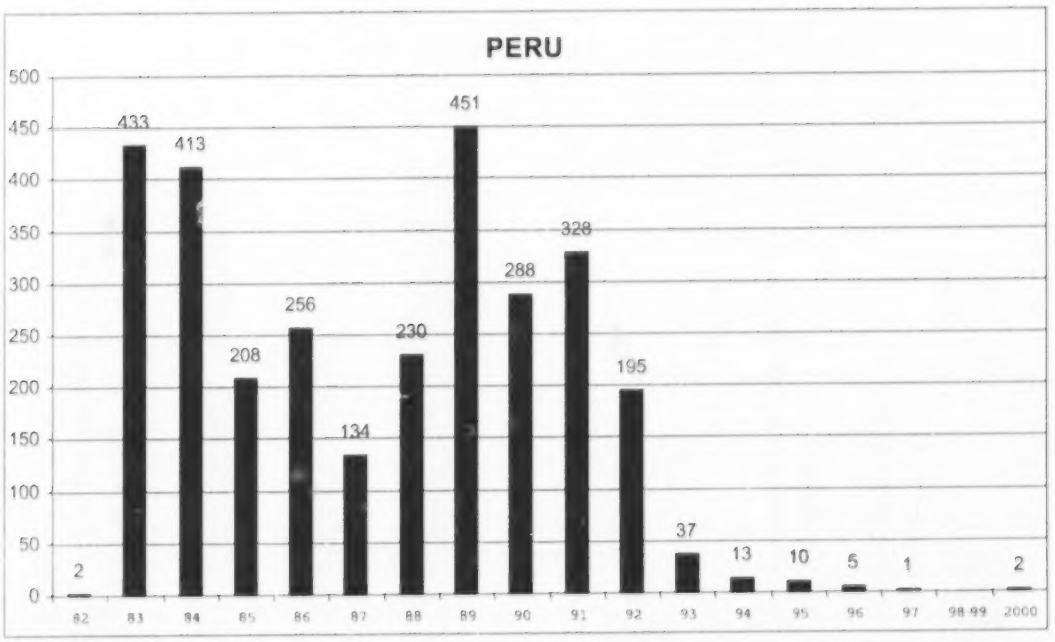

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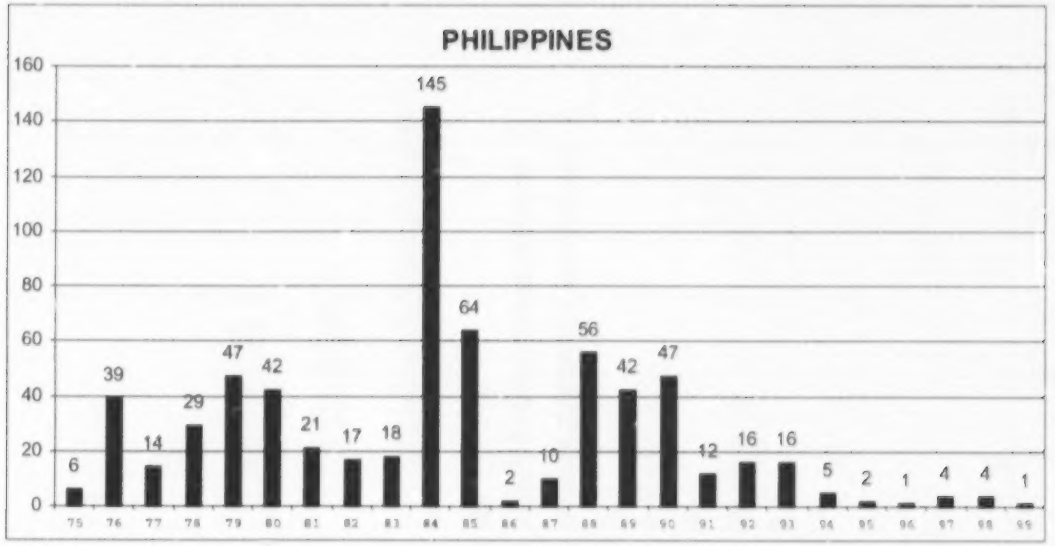

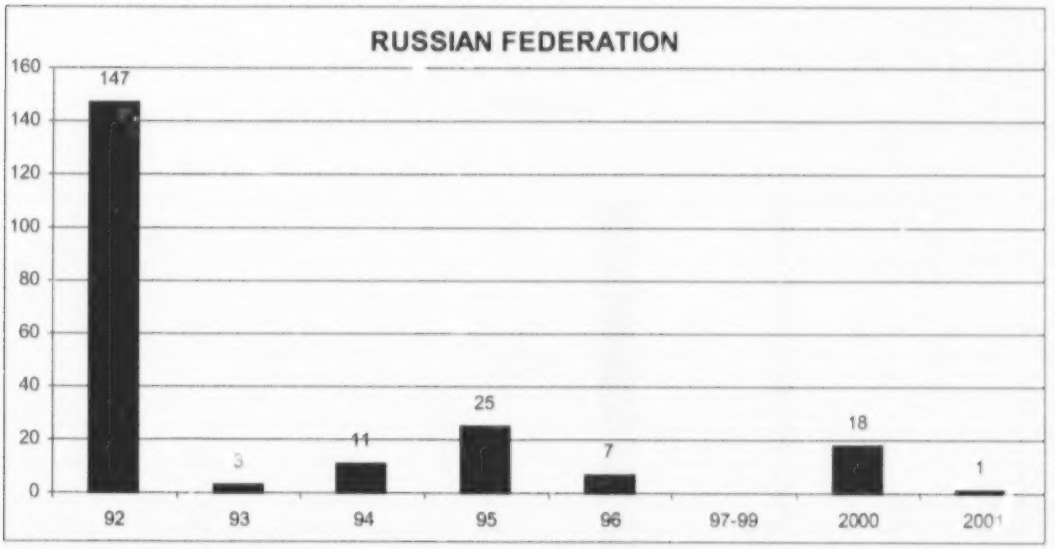

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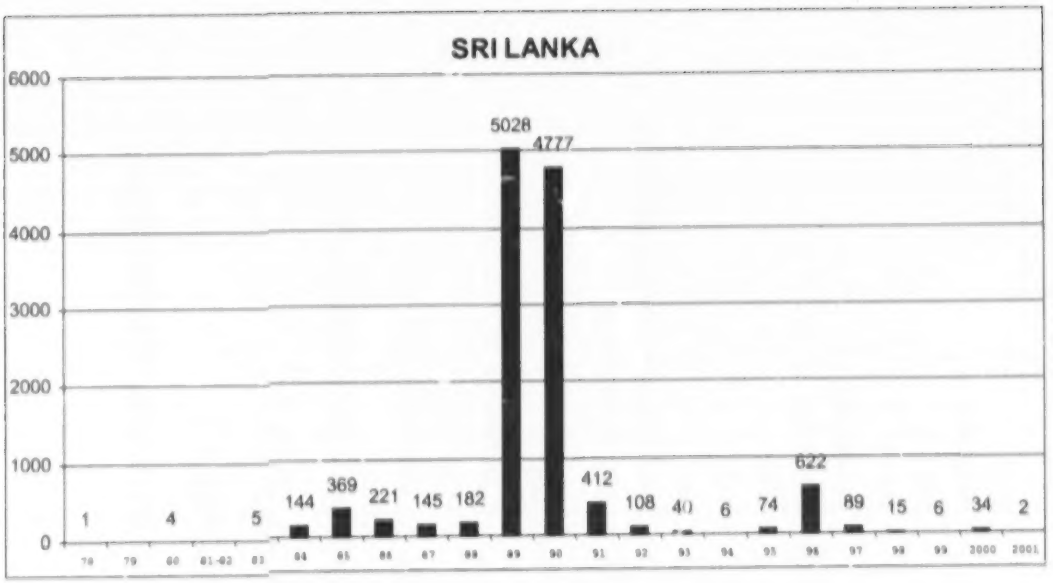

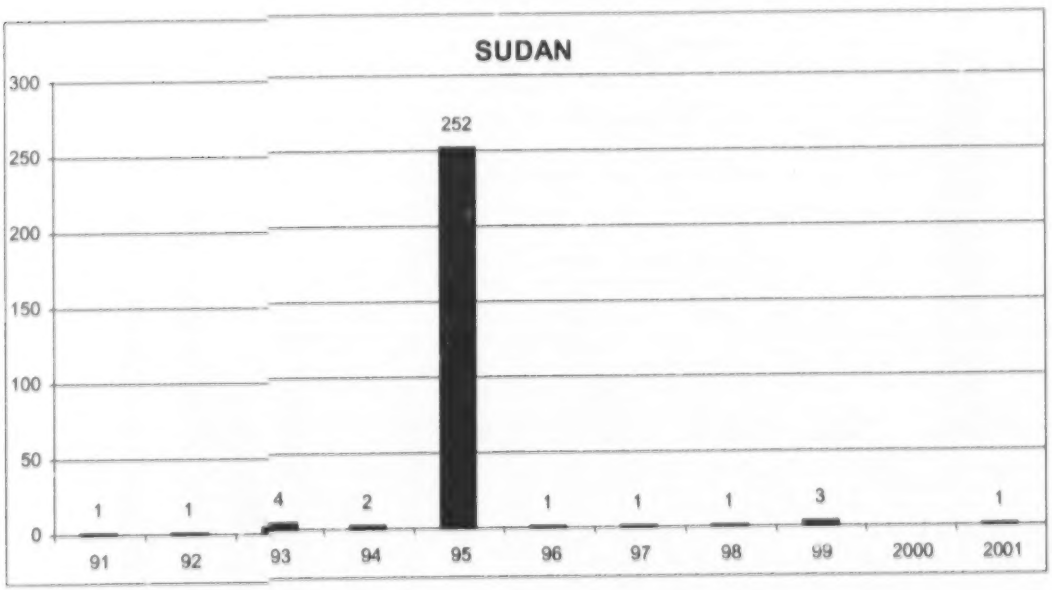

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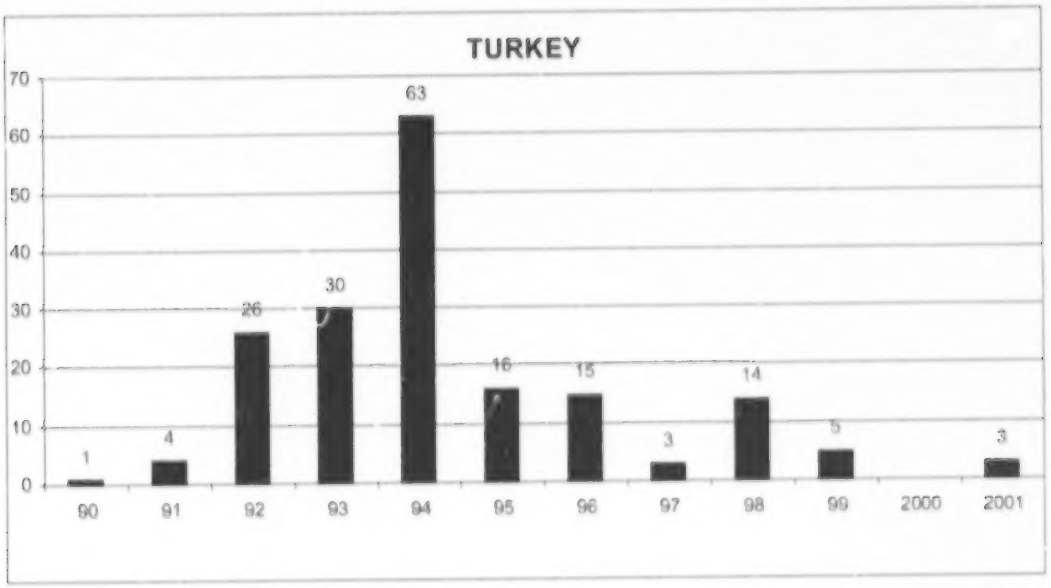

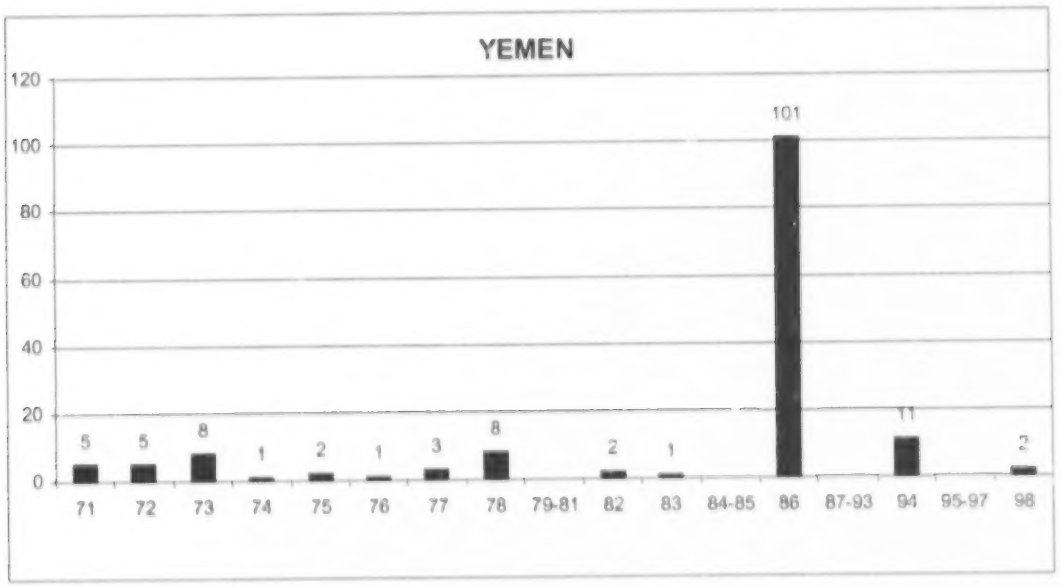

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